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YEARBOOK OF LEGISLATION 1905

EDITED BY

Robert H. Whitten, *Sociology Librarian*

LEGISLATION BULLETIN 26 NEW YORK GOVERNORS MESSAGES 1777-1901
27 DIGEST OF GOVERNORS MESSAGES 1905
28 INDEX OF LEGISLATION 1905
29 REVIEW OF LEGISLATION 1905

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NEW YORK STATE EDUCATION DEPARTMENT

1906

Price \$1

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New York State Library

Bulletin 100

LEGISLATION 26

INDEX OF NEW YORK GOVERNORS MESSAGES 1777-1901

SUBMITTED FOR GRADUATION

BY

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¹Became Director January 1, 1906

State Library Albany N.Y. June 17, 1905

Hon. A. S. Draper

Commissioner of Education

DEAR SIR: The accompanying index of New York governors messages, 1777-1901, is recommended for publication in the legislation series. This index will make available much valuable material relative to the history of legislation and government in New York.

Very truly yours

MELVIL DEWEY

Director

Approved for publication June 23, 1905

A handwritten signature in dark ink, reading "A. S. Draper". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Commissioner of Education



New York State Library

Bulletin 100 Legislation 26

INDEX OF NEW YORK GOVERNORS MESSAGES 1777-1901

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EXPLANATIONS

Scope. This index aims to include for the period covered all annual messages and also special messages containing important recommendations but not veto messages or messages merely transmitting documents.

Method. Important recommendations are digested, either by quoting leading sentences or by giving a brief summary. The entries are chronological under each topic. A mere index entry is given in some cases for recommendations of minor interest and for general or miscellaneous remarks or comment.

Source. The manuscript list of messages prepared from the Senate and Assembly journals and in part from the documents by Mr Everett Robbins Perry and Mr William M. Hepburn, and on file in the State Library has been used as a source.

Citations. The citations give governor's name, year of message and abbreviated reference to source, as Assembly journal, A. J., Senate journal, S. J., Assembly document, A., Senate document, S., followed by volume number and page; thus, Tilden. 1875. A. J. 98:16. For documents reference is to year, number of document and page; e. g. Marcy. 1834. A. 4:326.

Classification. The classification is that used in the Index of Legislation and the Digest of Governors Messages issued annually by the State Library and covering legislation and messages in all states. As the Digest of Governors Messages began with 1902, it may be used as a supplement to the present index, which ends with 1901.

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Yates, Joseph[C.	1822-24
Young, John	1847-48

LAW (GENERAL)

Statutes

See also 85, Overlegislation; 88, Special laws

Preparation of statutes

- a "It is suggested that provision be made by law for the appointment of a competent person to act as counsel to the Legislature during its session." Hill. 1885. A. J. 108:26-27
- b "I suggest that it might be feasible to adopt general rules regulating the introduction and passage of bills affecting cities by requiring a consolidation of bills affecting the same general subject." Morton. 1896. A. J. 119:36

Publication of session laws

Publication in newspaper

- a Recommended that each act as soon as made a law shall be published in at least 1 newspaper in each great district. Lewis. 1805. A. J. 28:49
- b "Public interest would be promoted by publication of all laws... of a general nature in at least 1 newspaper in each county, with the laws of interest to that special county." Bouck. 1843. A. J. 66:32

Revision and compilation

- a "A careful revision of the laws of this state would be an acceptable service." Clinton, G. 1778. A. J. 2:4
 - b "It is necessary to revise laws and to digest into one code, including such acts of the colony and British statutes as adopted by Constitution." Clinton, G. 1784. A. J. 8, pt 1:7
 - c The digest of laws having been completed, it remains to revise and amend such as have been found obscure or defective. Clinton, G. 1792. A. J. 16:5
- Revision again advised.
- | | |
|-----------------------------|----------------------------|
| Tompkins. 1810. A. J. 33:12 | Yates. 1812. A. J. 35: 5-6 |
| 1811. A. J. 34: 7 | 1823. A. J. 46:14 |
| | 1824. A. J. 47: 8 |
- d Revision of statutes in progress. Clinton, D. 1828. A. J. 51:12
 - Van Buren. 1829. A. J. 52: 8
 - Completed. Throop. 1830. A. J. 53:27
 - e "Great importance of full and extensive publication of revised statutes which are of more general application." Van Buren. 1829. A. J. 52:17
 - f "Our system of laws can not be complete until an entire harmony is produced between the principles introduced by the code of practice and our general statutes." Hunt. 1851. A. J. 74:24-25
 - g "A new revision by which all laws of a general nature shall be collected together and the various acts relating to the same subject arranged and consolidated is greatly needed." Hoffman. 1870. A. J. 93:22-23

- h Necessity for statutory revision presented.
Hill. 1885. A. J. 108:33-34
- i "It is hoped that the present Legislature with the aid of the commissioners may finally effect the complete revision of the statutes."
Flower. 1892. A. J. 115:27-28
- j Progress of work by commission appointed 1889.
Morton. 1896. A. J. 119:36-38
- k "I suggest the appointment of a special committee in each house to take charge of the revision bills which the Statutory Revision Commission has prepared."
Roosevelt. 1900. A. J. 123:36
- m Progress of the revision commission. Odell. 1901. A. J. 124:44-45

13

Uniform laws

- a "Progress has been made by the commission appointed to promote uniformity of legislation in the United States relative to the subjects of marriage and divorce, insolvency and notorial certificates."
Flower. 1893. A. J. 116:32-33

15

CONSTITUTIONAL LAW

- a Interference of the United States with state.
Clinton, D. 1821. A. J. 44:114-21 Seward. 1840. A. J. 63:23-24
1825. A. J. 48: 17-18 Bouck. 1844. A. J. 66:16
1827. A. J. 50: 8
- b Nullification by states. Marcy. 1833. A. J. 56:25-26
1834. A. J. 57:10
- c Federal government: relation with states.
Hunt. 1852. A. J. 75:25-29 Seymour. 1854. A. J. 77:33-37
1863. A. J. 86:97-98
- d Executive, judicial and legislative powers: relations discussed.
Seymour. 1854. A. J. 77:1045-47
- e Federal interference in state affairs: Louisiana difficulty. "Interference by the United States soldiers was not only unlawful but it was without the least color of legality." Tilden. 1875. A. J. 98:62-64

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Boundary. Jurisdiction

- a Recommended that delegates for settlement of the question of eastern boundary of state be again elected by Legislature.
Clinton, G: 1780. A. J. 4, pt 2:6
- b Transmission of Thomas Chittenden's claim that state relinquish jurisdiction over New Hampshire grants; disapproval expressed.
Clinton, G: 1781. A. J. 4, pt 2:9-10
- c Threatened that Legislature will be prorogued if it gives up claim of state to New York grants before question has been determined by Congress.
Clinton, G: 1781. A. J. 4, pt 2:43-44
- d Recommended that rights of the state be vindicated against claims of Massachusetts in regard to boundary.
Clinton, G: 1784. A. J. 7:30

- e Recommended that agents be appointed to appear before a Federal court for deciding boundary dispute with Massachusetts, also that explicit description of lands claimed be called for from Massachusetts.
Clinton, G: 1784. A. J. 8, pt 1:6
- f Recommended that boundary between New York and Pennsylvania be run and marked.
Clinton, G: 1785. S. J. 8, pt 2:19
- g Settlement of Massachusetts boundary claims by special commission instead of Federal Court, provision to be made for expense thus incurred. Report submitted from commission for running Pennsylvania line.
Clinton, G: 1787. A. J. 10:6 1788. A. J. 11:7
- h Recommended that eastern boundary of land ceded by New York to Massachusetts be definitely settled and that land intended for Brothertown Indians be more clearly indicated.
Clinton, G: 1790. S. J. 13, pt 1-2:17
- i Speedy action recommended for settling differences about Massachusetts line.
Jay. 1797. S. J. 20:73
- j As it is uncertain whether waters between Long and Staten Islands and south of New York are included in any county, some action is necessary to determine jurisdiction.
Clinton, G: 1804. A. J. 27:7-8
- k Controversy as to line between New York and New Jersey to be referred to commissioners.
Lewis. 1807. A. J. 30:8
Appointed commissioners have not settled controversy.
Tompkins. 1808. A. J. 31:8
Recommending measures for settlement.
Clinton, D. 1822. A. J. 45:15 Yates. 1823. A. J. 46:13
- m Recommended that provision be made for settling boundary dispute with New Jersey.
Clinton, D. 1825. A. J. 48:20, 27 Throop. 1830. A. J. 53:26-27
1827. A. J. 50:9-10 1831. A. J. 54:26
1828. A. J. 51:13 Marcy. 1833 A. J. 56:23
1834. A. J. 57:10
- n Recommended that the Legislature express concurrence with United States government in regard to boundary dispute between Maine and New Brunswick.
Seward. 1839. A. J. 62:550-51 1839. S. 2, 60
- p Connecticut boundary dispute.
Morgan. 1859. A. J. 82:26
1860. A. J. 83:34
1861. A. J. 84:28
- q "I recommend the appointment of commissioners to act with commissioners to be appointed by Connecticut to determine the boundary line between New York and Connecticut through Long Island sound."
Robinson. 1878. A. J. 101:31
- r Connecticut dispute: final adjustment.
Cornell. 1881. A. J. 104:26
- 18 Cessions to United States
- a Recommended that land at Eaton's Neck be ceded to United States for lighthouse.
Jay. 1798. S. J. 21:104
- b Recommended that land at Black Rock be ceded to United States for lighthouse.
Jay. 1801. S. J. 25:8
Difficulty concerning Black Rock.
Lewis. 1807. S. J. 30:32

- c** Recommended that Little and Great Gull islands be ceded to United States for lighthouse sites. **Clinton, G:** 1803. A. J. 26:138
- d** Officers to cede to United States certain land have not convened, as their power did not extend to territory desired.
Tompkins. 1808. A. J. 31:7 1808. S. J. 32:14
- e** Suggested that Legislature authorize sale of fortifications on Staten Island, in case United States should want site for military academy.
Tompkins. 1811. S. J. 34:26 **Throop.** 1830. A. J. 53:25
- f** Regarding purchase of land in New York by United States government.
Tompkins. 1815. S. J. 38:162
- g** Recommended that island at Rouse Point be ceded to United States and that previous acts be extended to lands needed by United States for military purposes on northern and western frontiers of the state.
Tompkins. 1816. A. J. 40:22 **Clinton, D.** 1818. A. J. 41:16
- h** Act authorizing Governor to sell forts and lands at the Narrows to the United States omitted to mention heavy ordnance. Requested that this be provided for.
Clinton, D. 1818. A. J. 41:242
1827. A. J. 50:18
- i** Recommended that land at mouth of Genesee river be ceded to United States for lighthouse site. **Clinton, D.** 1820. A. J. 44:66
- j** Recommended that land at Narrows be sold to United States for fortifications.
Yates. 1824. A. J. 47, pt 2:1156-57
- k** Recommended that land at West Point be ceded to United States.
Clinton, D. 1826. S. J. 55:57
- m** Relative to ceding jurisdiction of the arsenal lot at Watervliet to United States government. **Van Buren.** 1829. A. J. 52:581
- n** Recommended that land on Staten Island be sold to United States for defenses of New York harbor. **Marcy.** 1836. A. J. 59:30
- p** Recommended that the United States War Department be allowed to extend its wharf at Plattsburg as far as necessary into lake.
Seward. 1840. A. J. 63:397
- r** Recommended that more land at Black Rock be granted to United States.
Bouck. 1843. A. J. 66:505-6
- s** Recommended that land on northwest frontier be sold to United States for erecting defenses.
Wright. 1846. A. J. 69:396

19 Statistics

See also 938, Vital statistics; 1832, Agriculture

- a** Recommended that Board of Agriculture be established and given authority to take statistics of births, marriages and deaths, agricultural and mineral productions and conditions of industry.
Clinton, D. 1819. A. J. 42:14

21 Census

- a** State census to be taken for apportioning legislative representation.
Clinton, G: 1790. A. J. 13 pt 2:3
Clinton, D. 1820. A. J. 44:12
- b** Census to be taken for apportioning common school grants.
Clinton, D. 1819. A. J. 42:13 1825. A. J. 48:12

- c Census for new apportionment. Clinton, D. 1826. A. J. 49:15-16
- d Census is to be taken and if it is desired to take other than vital statistics, Secretary of State must be authorized to prepare blanks. Marcy. 1835. A. J. 58: 28
- e Comments on results of census of 1845. Wright. 1846. A. J. 69:21-23 Clark. 1856. A. J. 79: 113
- f Statistics of population. King. 1857. A. J. 80:15-17 Morgan. 1861. A. J. 84:33
- g Census of 1865: industrial statistics. Fenton. 1867. A. J. 90:29-30
- h Census 1875. "It will be necessary for the Legislature to make an appropriation to enable the Secretary of State to carry into effect the provisions of the Constitution." Tilden. 1875. A. J. 98:16
"I recommend that provision be made to complete the work." Tilden. 1876. A. J. 99:36
- i "The census act should be amended, bringing the enumerators within the jurisdiction of the civil service commissioners." Hill. 1885. A. J. 108:59-60
- j Census. 1885. "It is recommended that this obligation be faithfully met by the prompt enactment of a proper bill providing for a simple enumeration of the inhabitants." Hill. 1886. A. J. 109: 18-19
- k "A measure should be enacted providing simply an enumeration of the inhabitants of the state. It has been neglected or refused each and every year since 1885." Hill. 1888. A. J. 111:21-24
- m "An enumeration is necessary for the purpose of basing thereon a reapportionment of the Senate and Assembly districts of the state." Hill. 1889. A. J. 112:21-22
- n "It will be the first duty of the Legislature to provide for an enumeration of the inhabitants of the state." Hill. 1890. A. J. 113:23-25
1891. A. J. 114:12-14
- p "Paramount duty of the Legislature is to provide for an enumeration of the inhabitants of the state preparatory to a reapportionment of Senate and Assembly districts." Flower. 1892. A. J. 115:13-14
- 22 State coat of arms, name, seal, flag, flower, song
- 27 Seal and arms
 - a Question submitted whether the Governor ought also to be Keeper of the Great Seal. Jay. 1796. A. J. 19:6
 - b Arms of the state: confusion as to correct device. Cornell. 1882. A. J. 105:94

Constitutions

- a Ratification of the United States Constitution by New York State. Clinton, G: 1789. A. J. 12:4
- b Origin of constitutions of 1777 and 1821. Need of amendment regarding the judiciary. Bouck. 1844. A. J. 67:11-12

32

Revision

- a Recommended that copies be made of journals and records of Provincial Congress, Committee of Public Safety and Constitutional Convention. **Clinton, G:** 1804. A. J. 27:113
- b Recommended that convention be called to amend state Constitution. Intense party spirit deprecated. **Clinton, D.** 1820. A. J. 43:16; 44:10-11
1822. A. J. 45:7-8
- c Constitution adopted. **Yates.** 1823. A. J. 46:10-11
- d The people have voted to hold convention to consider alterations and amendments to the Constitution. **Wright.** 1846. A. J. 69:23
- e New Constitution adopted. **Young.** 1847. A. J. 70:11
- f Defects of present Constitution. **Hoffman.** 1872. A. J. 95:35-40
- g "I recommend an act for the appointment of a commission of 32 members to undertake a revision of the Constitution." **Hoffman.** 1872. A. J. 95:35-40
- h Constitutional Commission: Suggestions. **Dix.** 1873. A. J. 96:24
- i "The new legislation called for by these provisions [recent constitutional amendments] should be framed with more than ordinary care." **Tilden.** 1875. A. J. 98:16-17
- j "It is the duty of the present Legislature to pass a suitable enactment providing for the proper submission to the people of the question, 'Shall there be a convention to revise the Constitution and amend the same?'" **Hill.** 1886. A. J. 109:29-30
- k Constitutional convention: suggestions as to organization. **Hill.** 1887. A. J. 110:20-22
- m "In obedience to public sentiment in favor of a constitutional convention expressed at the election of 1886, I again recommend that provision be made for holding such a convention." **Hill.** 1888. A. J. 111:17
- n "I would suggest modification of the constitutional convention law to the extent of permitting representation of more than one minority interest. It would add to the representative character of the convention if organized labor, prohibition and woman suffrage advocates participated." **Flower.** 1893. A. J. 116:36-38

33

Amendment

- a Proposed amendments to United States Constitution. **Jay.** 1800. A. J. 23:5 **Tompkins.** 1811. A. J. 34:186
Clinton, G: 1804. A. J. 27:6 **Clinton, D:** 1818. A. J. 41:16
Lewis. 1804. A. J. 28:8
- b Proposed amendment to United States Constitution to prevent slave representation in Congress. **Lewis.** 1804. A. J. 28:6
- c Two amendments pending; one giving constitutional sanction to act of 1842 in regard to canals and canal debt and tax, the other requiring loans on state credit, beyond narrow limits, to be submitted to the people. **Wright.** 1845. A. J. 68:21-25

- d Amendment limiting the appointing power of Governor is desired by many. Governor believes that many more officers might be elected by the people. Wright. 1845. A. J. 68:24
- e Four amendments pending, one adding 3 associate chancellors to Court of Chancery, another adding 2 judges to Supreme Court, another securing to persons subject to removal from office by Legislature or by Senate on motion of Governor, the right to know and answer charges, and the 4th, abolishing property qualifications for being eligible to Senate or Governorship. Wright. 1845. A. J. 68: 40-41
- f Need of constitutional amendment providing for succession to Governorship in case of vacancy of lieutenant governorship. Fish. 1849. A. J. 72:18
- g Proposals before Legislature: (1) canal affairs; (2) local indebtedness of cities, towns etc.; (3) number of justices of Supreme Court. Cornell. 1882. A. J. 105:94
- h "I suggest to you the proposal to Congress of these amendments:
1 That the term of office of the President and Vice President shall be six years. 2 That the President shall be ineligible for reelection.
3 That the President shall immediately upon the expiration of his term become a member of the United States Senate for life and receive an appropriate salary. This amendment shall apply to all living ex-Presidents." Hill. 1889. A. J. 112:29-31
- i Proposed prohibition amendment to the Constitution. "I do not believe that the people of the state favor the adoption of this amendment." Hill. 1890. A. J. 113:39-41
- j Requirements of new amendments. Morton. 1895. A. J. 118:19-22

38 Officers. Departments

- a Recommended that civil officers be regularly and officially notified of appointment and removal. Jay. 1796. A. J. 19:147
 - b Large number of officers for whose appointment general power is given to the Legislature, including surrogate, auctioneer, city justices and others. Yates. 1823. A. J. 46:12
 - c An amendment of the Constitution limiting the appointing power of Governor is desired by many. Governor believes that many more officers might properly be elected by the people. Wright. 1845. A. J. 68:24
 - d Necessity of providing by law for filling vacancies in office. Fish. 1849. A. J. 72:18
 - e "I should think it an unwise provision to give persons, holding life-saving medals preference over all other citizens (except soldiers and sailors) in competition for admission to government service." Flower, 1894. A. J. 117:1388
- 38(1 Civil service. Examination**
- a Reforms urged. Cleveland. 1883. A. J. 106:24
 - b Commission: organization and duties. Cleveland. 1884. A. J. 107:33-34
 - Results. Hill. 1885. A. J. 108:23-24
 - System and methods. Hill. 1886. A. J. 109:14-16

- c "I suggest amendments which will (1) Compel the Civil Service Commissioner to certify to the State Comptroller all appointments made in pursuance to the law. (2) Prohibit the Comptroller from paying salaries to any person whose appointment is not so certified to. (3) Give to all lawfully appointed persons opportunity to compel the Civil Service Commission by mandamus proceedings to certify their appointment to the Comptroller." **Flower.** 1894. A. J. 117:26
- d Improvements of system. **Morton.** 1896. A. J. 119:27-28
- e The discretion of the appointing power should not be entirely subordinated to the marking system." **Black.** 1897. A. J. 120:23
- f Suggestions for reform. **Black.** 1898. A. J. 121:33
- g Principles and results of new law. **Black.** 1898. A. J. 121:29-33
- h "I recommend that a law be passed introducing one uniform practice for the entire state and providing for the enforcement of proper civil service regulations in the state and its subdivisions." **Roosevelt.** 1899. A. J. 122:25-27
- 38(5) Preference of veterans**
- a "The veteran of the Civil War should be legally guaranteed preference in appointment to and in retention in office." **Roosevelt.** 1899. A. J. 122:27
- 38(8) Salaries. Fees**
- a Recommended that appropriation be made for relief of state officers imprisoned by enemy. **Clinton, G.** 1780. S. J. 3:120
- b Recommended that such support be given state officers as may maintain their dignity and secure worthy incumbents. **Clinton, G.** 1784. A. J. 7:6
- c Unwise practice of allowance of annual gratuities by Legislature to executive and judicial departments. **Jay.** 1800. A. J. 23:5
- d In view of hard times, it is suggested that salaries of state officers and legislators be reduced. **Clinton, D.** 1820. A. J. 43:13
- e Recommended that any public officers who are too highly paid be reduced in salary. **Bouck.** 1843. A. J. 66:32
- 38(9) Tenure of office. Discipline**
- a Proposed that Constitution be amended to secure to persons removed from office by Legislature or by Senate on motion of Governor, the right to know and answer charges. **Wright.** 1845. A. J. 68:41
- b "It will be the first and most imperative of our duties to revise the laws which are intended to provide punishment for frauds by public officers." **Tilden.** 1875. A. J. 98:18
- 40 Governor**
- See also 782, Executive mansion*
- a Governor declines to serve as Indian commissioner. **Clinton, G.** 1794. A. J. 17:62
- b Requests that law establishing Land Office Board be amended to exempt him from membership. **Clinton, G.** 1802. A. J. 25:184
- c Governor resigns when elected Vice President. **Tompkins.** 1817. A. J. 40:383

- d Recommended that Legislature determine whether the Governor, as president of Council of Appointment, has exclusive right of nomination to offices which he fills by appointment. Jay. 1796. A. J. 19:5
1800. A. J. 24:122-24
1801. A. J. 24:247-49
- e Unadvisable that Executive should have power to appoint road commissioners and inspectors or to issue tollgate licenses. This should be given to first judges of counties or other responsible officers, with power to appeal. Tompkins. 1816. A. J. 39:12
- 41 **Qualifications**
 - a Proposed to amend Constitution to abolish property qualification for governorship. Wright. 1845. A. J. 68:41
- 42 **Succession**
 - a A constitutional amendment should be made, providing for succession to governorship in case of vacancy of lieutenant governorship. Fish. 1849. A. J. 72:18
- 43 **Veto**
 - a "The veto power needs to be made more effectual. Two thirds of all members elected to either house should be required to overrule a veto and where a bill contains several items of appropriation of money the governor should be authorized to refuse his assent to one or more of the items while approving of others." Hoffman. 1872. A. J. 95:40
- 48 **Lieutenant governor**
 - a Expediency of providing for occurrence of vacancy in office of Lieutenant Governor. Tompkins. 1811. A. J. 34:7
- 49 **Secretary of state**
 - a Suggested that certain fees on lucrative commissions and grants would defray expenses of secretary's office. Clinton, G. 1802. A. J. 25:6
 - b Communication relative to forged records in office of Secretary of State. Clinton, D. 1818. S. J. 41:135
- 50 **Attorney general**
 - a "So numerous and frequent are our courts that the Attorney General can not manage all the prosecutions which demand his care." Jay. 1796. A. J. 19:6
 - b Restriction of assistant attorneys general to counsellors at law resident in districts is productive of inconvenience. Jay. 1798. A. J. 21:5
 - c Recommended that counsel to assist Attorney General be hired in extraordinary cases. Clinton, D. 1826. A. J. 49:1076
 - d "The power to require the attendance of the Attorney General at important criminal trials should be placed under stricter limitations than at present." Morgan. 1860. A. J. 83:21-22
 - e "New legislation is required to vest the power to sue in the people of the state acting by their Attorney General." Tilden. 1875. A. J. 98:20-21

67

Public documents. Printing

- a "I see no reason why the public printing should not... be subject of contract, based upon just equivalent for services rendered."
Bouck. 1843. A. J. 66:31
- b "With careful discrimination as to the matter printed considerable sums can be saved."
Morgan. 1859. A. J. 82:26
- c "I recommend that the laws be so amended as to reduce the making of state contracts for printing to a fair business basis."
Morton. 1896. A. J. 119:34-35
- d Economy recommended.
Black. 1898. A. J. 121:35
- e "It is your duty to curtail in every way this wasteful extravagance [in state printing]."
Odell. 1901. A. J. 124:27-28
- f "The existing law should be amended giving a greater discretionary power to the board charged with the duty of letting the contract and such contract should be limited to one year."
Odell. 1901. A. J. 124:3244-46

70

Distribution

- a Copies of revised laws and maps of New York have been sent to executives of the other states and it is recommended that they be sent to President and both houses of Congress.
Clinton, G. 1804. A. J. 27:113

74

Public printing establishment

- a Objections to establishing a state printing office.
Flower. 1892. A. J. 115:2109-11
- b "I would advise the consideration of an act establishing a state printing bureau equipped with every modern device."
Roosevelt. 1900. A. J. 123:46

77

Legislature*See also 2, Statutes*

- a Correspondence with mayor of New York in regard to accommodations for the Legislature in case of removal to that city.
Tompkins. 1814. S. J. 38:10
- b "I believe that the public interest would be materially promoted by widening the scope of the legislative jurisdiction of boards of supervisors."
Morgan. 1862. A. J. 85:22
- c Constitutional restrictions to powers of Legislature.
Robinson. 1878. A. J. 101:23-24

79

Election. Number. Apportionment. Vacancies*See also 147, Minority representation*

- a Recommended that event of tie vote, or death or resignation of incumbent be provided for.
Clinton, D. 1826. A. J. 49:16
- b Proposed to amend Constitution to abolish property qualification for eligibility to Senate.
Wright. 1845. A. J. 68:41

- c "I suggest the passage of a concurrent resolution submitting to the people an amendment to our state Constitution which will take from each house the power of judging its own elections and confer the jurisdiction upon the courts." Hill. 1890. A. J. 113:1784-88
1891. A. J. 114:24-25
- d "I recommend the approval by the present Legislature of the proposed amendment of the Constitution providing for judicial determination of contested elections of members of Legislature." Flower. 1892. A. J. 115:32
- 80 Apportionment: general laws**
- a Recommended that a convention be elected to determine number of senators and representatives at future periods, that Legislature may not become too large. Jay. 1800. A. J. 24:7
- b Transmission of convention proceedings and census. New apportionment needed. Clinton, G. 1802. A. J. 25:7
Clinton, D. 1820. A. J. 44:12
- c New apportionment needed from new census. Clinton, D. 1826. A. J. 49:16
- d New apportionment of Senate and Assembly districts to be made from census. Marcy. 1836. A. J. 59:28-29
Wright. 1846. A. J. 69:23-24
- e Recommended that law be enacted dividing Niagara county into Assembly districts. Young. 1847. A. J. 70:1203
- f Assembly districts: right to alter forbidden by Constitution. Morgan. 1859. A. J. 82:849
- g "Among the duties devolved upon Legislature by the Constitution will be the rearrangement of the Senate and Assembly districts." Robinson. 1878. A. J. 101:27
- h "It is necessary for the fourth time to remind the Legislature that the Constitution imperatively requires the Legislature at the first session after each census enumeration to reapportion the Senate and Assembly districts." Robinson. 1879. A. J. 102:30
- i "The Legislature of this state does not now represent and has not for several years represented the sentiments of a majority of the people of the state. An enumeration is necessary." Hill. 1889. A. J. 112:21-22
- 81 Resignation. Vacancies**
- a "Statutes providing for the election of senators in case of vacancies occurring otherwise than by expiration of term are defective. I recommend prompt action." Hoffman. 1872. A. J. 95:21
- 83 United States representatives**
- a Recommended that delegates to Congress be chosen in time to attend on first Monday in November, the new date of meeting. Clinton, G. 1781. A. J. 5:4
- b Recommended that delegates to Congress be promptly appointed as state has been for some time unrepresented. Clinton, G. 1784. A. J. 7:7
- c Necessary to provide for election of representatives in accordance with new apportionment. Clinton, G. 1792. A. J. 16:3
1802. A. J. 25:7

- d "The United States census having been completed it will devolve upon you to reorganize districts for electing representatives."
Throop. 1832. A. J. 55:21
- e Congress has reduced House of Representatives to 223 members and New York members to 34. Reorganization of districts becomes necessary.
Seward. 1842. A. J. 65:1000
- f "It is supposed that in reorganizing congressional districts you will adopt the principle that representation is most perfect where districts are not only equal but as numerous as the delegates."
Seward. 1842. A. J. 65:13
- g "Congress has passed a law which in effect requires the states to legislate in a particular manner in regard to choice of representatives . . . This was not called for and was . . . highly dangerous to the stability of the Union."
Bouck. 1843. A. J. 66:16
- h Congressional apportionment.
Morgan. 1862. A. J. 85:24
- i "Reorganization of congressional districts will become an absolute requirement whenever Congress shall have fixed the ratio of representation."
Cornell. 1882. A. J. 105:93-94
- j Congressional apportionment recommended.
Cleveland. 1883. A. J. 106:24 Flower. 1892. A. J. 115:14-16
- 84 United States senators**
- a United States senators to be chosen by the Legislature.
Clinton, G. 1789. A. J. 13, pt 1:4
- b Two United States senators to be elected by the Legislature to fill vacancies.
Clinton, G. 1804. A. J. 27:6
- c One vacancy in Senate to be filled.
Lewis. 1804. A. J. 28:6
Clinton, D. 1820. A. J. 43:16
- d United States Senator to be elected.
Clinton, D. 1820. A. J. 44:10 Van Buren. 1829. A. J. 52:17
1825. A. J. 48:20 Marcy. 1833. A. J. 56:26
1826 A. J. 49:15 Seward. 1840. A. J. 63:23
- e Message in regard to United States senators. Wright. 1845. A. 8
- f Recommends a resolution aiming to secure an amendment to the United States Constitution to provide for the direct election of United States senators by the people.
Hoffman. 1872. A. J. 95:27

85 Overlegislation

- a "Every consideration of policy, patriotism and interest points to necessity of careful avoidance of all experimental legislation for mere private or corporate ends."
Fenton. 1868. A. J. 91:27-28
- b Comparison with French Chamber of Deputies, British Parliament and United States Congress. "This comparison gives support to the opinion that we not only legislate too much but that a portion of the measures are imperfectly considered, uncalled for and lead to embarrassment and confusion."
Fenton. 1868. A. J. 91:27
- c "One of the greatest evils of our legislation is the carelessness and want of consideration with which bills are framed and passed."
Dix. 1874. A. J. 97:26-27
- d "It is unbecoming the dignity of the state to incur its code of laws with trivial enactments."
Cornell. 1881. A. J. 104:25-26

88

Special laws

- a Recommended that Legislature should not pass private acts to enable infant freeholders to be deprived of land and thus of civil rights. Jay. 1800. A. J. 24:6
- b Under the new Constitution, general laws for formation of corporations must be enacted. Young. 1847. A. J. 70:19-20
- c Too much legislative time occupied with business which might better be given to county boards of supervisors. Fish. 1849. A. J. 72:19
- d General law, when ample, should be used. Hunt. 1852. A. J. 75:1107-8
- e Special legislation: ground for veto. Clark. 1855. A. J. 78:850
- f Reasons for providing for incorporation of companies by general law, not by special legislation. Morgan. 1859. A. J. 82:1143-45
- g Avoidance of special laws recommended. Morgan. 1860. A. J. 83:35
1861. A. J. 84:11
Fenton. 1865. A. J. 88:24
- h "I disapprove of the practice of legislating for the relief of contractors upon the public works." Fenton. 1866. A. J. 89:25
- i Organization of fire companies. "This special legislation is unnecessary. Public policy demands that these companies should be formed under general laws." Hoffman. 1869. A. J. 92:896-97
- j "I recommend the careful examination of all existing general laws with a view to ascertain what amendments are necessary in order to lessen the number of applications made for special legislation."
General laws recommended: (1) To secure commissions to lay out roads and avenues in vicinity of New York city and Brooklyn. (2) For appraisal and payment of claims or damages in connection with canals. (3) To provide for the organization of savings banks. (4) To provide for the organization of fire companies. (5) To enlarge the limit set upon the amount of property to be held by literary, musical and other societies. (6) For the incorporation of villages. (7) To amend the defect in law providing for justices of peace. Hoffman. 1870. A. J. 93:20
- k "I recommend a general law which will enable the people in any part of the state to organize when necessary a village government without being subjected to the delay of applying to the Legislature for a special charter." Hoffman. 1870. A. J. 93:489-90
- m "The special laws so often passed in relation to roads in this region [Hamilton co.] of our state are becoming complicated... This class of legislation should not be encouraged but the roads should be left to be worked out as best they may under the general laws." Hoffman. 1872. A. J. 95:899-900
- n "It would greatly diminish the labor of legislation if in all cases where a general law could be made applicable special laws should be prohibited." Dix. 1873. A. J. 96:24
- p Legislature devotes more time to small private bills than to important public business. Jay. 1800. A. J. 23:5-6
Clinton, G: 1804. A. J. 27:7
Lewis. 1806. A. J. 29:9

- q "If it shall become a precedent for the Legislature to interfere between litigants there will be little opportunity for the consideration of legitimate business by legislation." Cornell. 1881. A. J. 104:1122
- r Evils of special legislation. Cleveland. 1883. A. J. 106:25
- s "A most pernicious influence on legislation is the introduction and consideration of bills purely local in character affecting only special interests." Cleveland. 1884. A. J. 107:11
- t "I think an attempt should be made to limit and diminish the number of special statutes by the enactment of general laws." Morton. 1896. A. J. 119:35
- u "No special law should be passed where passing a general law will serve the purpose." Roosevelt. 1899. A. J. 122:27

90 Members of Legislature

- a In view of hard times, it is suggested that salaries of legislators and state officers be reduced. Clinton, D. 1820. A. J. 43:13

95 Internal organization

96 Bribery

- a Attempts to bribe members of Legislature to incorporate Bank of America, in New York. Legislature prorogued by Governor. Tompkins. 1812. A. J. 35:333
- b "It is my deliberate purpose to discourage these practices and to disapprove those which I shall have good reasons to believe have been passed by such means." Morgan. 1859. A. J. 82:28-29
- c "There is a popular belief that much important legislation in past years here has been influenced by the direct use of money. There should be prompt and thorough legislative inquiry to ascertain whether it is well founded." Hoffman. 1872. A. J. 95:34-35

99 Lobbying

- a Evil of lobbying formerly prevalent but has been done away with. Throop. 1830. A. J. 53:27
- b "Officers whose duties are at a distance from Albany should not leave their posts and make it a business to procure or prevent legislation." Morgan. 1860. A. J. 83:37

102 Records

- a "It appears to me that provision ought to be made for the publication of the journals of the Senate, in relation to their executive function." Clinton, D. 1825. A. J. 48:8
- b Recommended that copies be made of journals and records of Provincial Congress, committee of public safety and constitutional convention. Clinton, G. 1804. A. J. 27:113
- c "Journals of Provincial Congress have been printed by resolution of Legislature." Seward. 1842. A. J. 65:12

105

Legislative procedure

- a Legislative business hindered by abuses of the right of petition.
Clinton, G. 1802. A. J. 25:6
- b Abuses in legislative procedure. Clinton, D. 1825. A. J. 48:22
- c "It is a mistake to pass a large number of bills near the close of the session."
Black. 1898. A. J. 121:36-37

109

Financial procedure

- a "If a vote of two thirds were required for every expenditure of public money except for public defense, the embarrassments of this constitutional question [meaning of phrase, 'for local and private' purposes] would be obviated and the public money better guarded."
Bouck. 1844. A. J. 67:13
- b Appropriation bill. "Practice of postponing the consideration of the annual appropriation bill till just at the close of the session should be discontinued."
Morgan. 1859. A. J. 82:28
- c "I recommend that you introduce and perfect these measures [appropriation and supply bills] during the first month of the session."
Morgan. 1861. A. J. 84:17
- d "I recommend that the city and county tax levies as well as all bills appropriating moneys for the support of the government, be taken up early in the session."
Hoffman. 1870. A. J. 93:25
- e "I request that the bill making provision for these objects [supply bill] may be sent to me not later than the 1st of March that full time be afforded me for examining it."
Dix. 1874. A. J. 97:27-28
- f "I trust the practice of inserting general legislation in appropriation bills will be discontinued."
Robinson. 1877. A. J. 100:24
- g "I recommend that all appropriations granted for the state hospitals for the insane be hereafter included in one act and that the rate of tax for this purpose be fixed and levied separately from the general tax."
Flower. 1893. A. J. 116:32-34
- h "The plan of appropriations could be improved. A department should know its own needs and all matters properly within it should be cared for upon its estimate, accompanied by a report showing their necessity."
Black. 1897. A. J. 120:16

113

Sessions

- a In view of hard times, it is suggested that length of session be reduced at least one half and message to Governor be omitted.
Clinton, D. 1820. A. J. 43:13
- b "It would be appropriate that Legislature should by . . . a short session set example of public economy."
Bouck. 1843. A. J. 66:28
- c "Interests of the people would be promoted by adoption of the plan for biennial sessions of the Legislature."
Cornell. 1882. A. J. 105:94-95
- d "Frequent and unnecessary recesses taken during the session of Legislature result in great waste of time and tend to careless, ill-advised legislative action."
Cleveland. 1884. A. J. 107:11

- e "Chief hope arising from protracted sessions and the passage of unnecessary laws is that the people may in their next Constitution conclude to correct both with biennial sessions."
Black. 1897. A. J. 120:25
- f "A session every two years could pass all the laws required by the State."
Black. 1898. A. J. 121:36
- g "I shall be glad if Legislature realizes the importance of an early adjournment."
Black. 1898. A. J. 121:36-37
- h "I recommend that the amendment providing for biennial sessions be passed again this year in order that it may be submitted to the people next fall."
Roosevelt. 1899. A. J. 122:27

116 Citizenship. Civil and political rights

See also 120. Suffrage

117 Citizenship

118 Naturalization

- a Suggested that naturalization be facilitated and public lands be opened to aliens in order to increase settlement.
Clinton, G: 1784. A. J. 7:6
- b "We must extend to them [immigrants] the right of citizenship with all its franchises."
Seward. 1839. A. J. 62:22
- c "Foreigners entitled to be naturalized...ought rather to be encouraged, than deterred by onerous charges attending requisite legal proceedings."
Seward. 1840. A. J. 63:16
- d Before 1802, residence of 14 years was required for naturalization. Although this has been lessened, jealousy is shown by some and election frauds and oppression result. Policy of elevating and assimilating immigrants is advocated.
Seward. 1841. A. J. 64:27-28
- e "The interests of our state and country demand that additional rather than diminished facilities should be extended to all those of good moral character and of undoubted devotion to our institutions who desire to assume the duties of citizens."
Hoffman. 1869. A. J. 92:31-32
- f "I recommend the enactment of an amendment to our present law concerning naturalization so as to provide that the papers shall contain a description of the person to whom they are issued."
Odell. 1901. A. J. 124:46

121 Political rights

- a Abuses of the right of petition hinder legislative procedure.
Clinton, G: 1802. A. J. 25:6

122 Civil rights

- a Question raised whether certain criminal convictions affect civil rights and relations. Jay. 1798. A. J. 21:5 1799. A. J. 22 pt 2:25

123

Indians

- a Report transmitted from commissioners for treaties with Oneida and Onondaga Indians, with account of expenses. Clinton, G: 1788. A. J. 12:4
- a1 Result of treaty with Cayugas. Clinton, G: 1789. A. J. 12:149
- a2 Communication relative to land sales by St Regis, Cayuga and Onondaga Indians. Clinton, G: 1792. S. J. 16:31
- a4 Recommended that powers of Commissioners for Indian Affairs be continued till next session. Clinton, G: 1790. A. J. 13 pt 2:10
- a5 "Amicable adjustment with the Indians has been effected." Clinton, G: 1791. A. J. 14:4
- a6 Oneida and Cayuga Indians having complained of intrusions on their lands, the Governor has ejected intruders but recommends that this duty be committed to ordinary magistrates in future. Clinton, G: 1792. A. J. 14:6
- a7 The murder of an Indian chief in the state has caused disturbance but the measures adopted have preserved confidence in the state. Clinton, G: 1792. A. J. 16:5
- b2 Recommended that entertainment be provided at Albany for visiting Indians from Cayugas, Oneidas and Onondagas. Clinton, G: 1794. A. J. 17:36
- b3 Report of conferences with Cayugas transmitted. Clinton, G: 1794. A. J. 17:57
- b4 Declines to serve as commissioner to negotiate with Indians. Clinton, G: 1794. A. J. 17:62
- b5 Recommended that the business for which Oneidas and Onondagas have been summoned be expedited. Clinton, G: 1794. A. J. 17:70
- b6 Transmission of report of conferences with Cayugas and Onondagas and request that their expenses be paid, also that Onondaga reservation be enlarged. Clinton, G: 1794. A. J. 17:83
- b7 Reports on Indian conferences transmitted. Clinton, G: 1794. A. J. 17:93
- b8 Speech from St Regis Indians transmitted and delegation from Onondagas and Cayugas announced. Clinton, G: 1794. A. J. 17:129
- c Reports on Indian conferences. Clinton, G: 1794. A. J. 17:144
- c1 Accounts with Indians during 1793 transmitted. Clinton, G: 1794. A. J. 17:162
- c2 Reports of agents to St Regis Indians transmitted and appropriation for expenses recommended. Letter sent from Onondagas. Clinton. 1795. A. J. 18:105
- c3 "Measures have been taken respecting our affairs with certain tribes." Jay. 1796. A. J. 19:6
- c4 Transmission of proceedings and accounts of conference with St Regis Indians. Jay. 1796. A. J. 19:71
- Report of agreement with them. Jay. 1796. A. J. 19:5
- Further dealings with them. Jay. 1797. A. J. 20:129
- c5 Land bought from St Regis Indians. Jay. 1796. A. J. 20:5
- c6 Recommended that agents appointed to examine Stockbridge claims

- be authorized to pay them and also Cayuga claims.
Jay. 1797. S. J. 20:108
- c7 Provision recommended for expenses of Onondaga deputation.
Jay. 1798. S. J. 21:34
- c8 Recommended that some person in Albany be appointed to entertain any visiting Indians.
Jay. 1798. A. J. 21:133
- Need of passing another like law. **Clinton, G: 1802. A. J. 25:91**
- d Recommended that persons be appointed to treat with Oneidas in the sale of part of their lands.
Jay. 1798. A. J. 21:151
- Further recommendation. **Jay. 1798. A. J. 21:182**
- d1 Recommended that Indians be afforded legal advice in defending their rights.
Jay. 1799. S. J. 22 pt 2:32
- d2 Purchase of land from Senecas, Cayugas and Onondagas.
Jay. 1800. S. J. 24:62
- d3 Recommended that conference be held with Indians in regard to boundaries of reservations.
Jay. 1800. A. J. 24:109
- d4 Recommended that attention be given the complaints of Onondagas.
Clinton, G: 1802. S. J. 25:52
- d5 Recommended that business with Oneidas be despatched.
Clinton, G. 1802. A. J. 25:91
- d6 Treaty agreeing to buy land from Oneidas.
Clinton, G: 1802. S. J. 25:64
- d7 Transmission of report of agent for purchase of St Regis land.
Clinton, G: 1802. A. J. 25:108
- d8 Petition of St Regis Indians transmitted and prompt and favorable action recommended.
Clinton, G: 1802. A. J. 25:208
- e1 Notice of treaties adopted and sums due Indians.
Clinton, G: 1803. A. J. 26:6
- e2 Account of claims of certain Indians in regard to trespass on their territory. Action recommended.
Lewis. 1805. A. J. 28:48-49
1806. A. J. 29:72
- e3 Treaty with Cayugas for purchase of land, also with Oneidas.
Lewis. 1807. S. J. 30:32, 74
Tompkins. 1809. S. J. 32:72; A. J. 32:190 **Tompkins. 1811. S. J. 34:26, 51**
1810. S. J. 33:188 **1812. S. J. 36:169**
- e4 Recommended that petition of Onondagas for resident agent be granted.
Tompkins. 1811. S. J. 34:296
- e5 Protection should be given Indians from unprincipled whites who make intrusions on their land. Recommended that power of summary ejection be vested somewhere and that such intruders be deemed public offenders.
Tompkins. 1812. A. J. 35:7
- e6 Transmission of treaties with St Regis and Seneca Indians.
Tompkins. 1816. S. J. 39:123
- e7 Recommended that part of annuities of St Regis, Oneida, Onondaga and Seneca Indians be advanced them to avert starvation.
Tompkins. 1817. A. J. 40:184-85
- e8 Indians deteriorating in character and diminishing in numbers. Probability and wisdom of their removal to the West but protection to be given while they stay and compensation when they leave their

- lands. Clinton, D. 1818. A. J. 41:14 Throop. 1822. A. J. 45:16
1819. A. J. 42:16 1831. A. J. 54:26-27
- 11 Agreement with St Regis Indians and complaints from Senecas.
Clinton, D. 1818. S. J. 41:83
- 12 Land (600 acres) belonging to Senecas to be sold by their desire
for purpose of building church. Clinton, D. 1818. A. J. 41:121, 399
1819. A. J. 42:16
- 13 Treaty with Stockbridge Indians for purchase of land.
Clinton, D. 1819. S. J. 42:51 1820. S. J. 43:118
Oneidas. Throop. 1830. A. J. 53:25-26 1831. A. J. 54:26-27
- 14 "It is believed that condition of Indians might be ameliorated by
establishment of board of commissioners from different religious so-
cieties, to take into consideration all matters relating to them."
Clinton, D. 1819. A. J. 42:16
- 15 Recommended that agent for Senecas be appointed.
Clinton, D. 1821. A. J. 44:392
- 16 Party spirit among St Regis Indians has produced strife in electing
trustees and payment of annuities. Some Indians have moved to
Lake Michigan. Clinton, D. 1826. A. J. 49:16
- 17 Recommended that Mr C: C. Brodhead be paid for assisting United
States Indian Commissioner in negotiations with New York Indians
to emigrate west of Missouri, exchanging their present lands for others.
Marcy. 1837. A. J. 60:25-26
- 18 "I invite your attention to the allegation of the survivors of the
Six Nations that the treaty by which they surrendered the remnant
of their lands, under sanction of United States government, was pro-
cured by fraud." Seward. 1842. A. J. 65:13
- 19 Message relating to Indians on Allegany and Cattaraugus reser-
vations. Young. 1846. S. J. 57
- 20 Census of 1845 included Indians. Comments on results obtained.
Wright. 1846. A. J. 69:22-23
- 21 Message in regard to recognizing a new form of government in
Seneca nation. Fish. 1849. A. J. 108
- 22 Condition of Indians in state demands attention.
Cornell. 1880. A. J. 103:23
- 23 "Continuance of large reservations of land held in tribal interest
is believed to be detrimental to the material welfare of the Indians.
Practical investigation should be undertaken to determine the fea-
sibility of some change of policy." Cornell. 1882. A. J. 105-85
- 24 Canadian branch of Cayuga Indians claims against New York state.
Recommends final decision as to validity of claims.
Roosevelt. 1899. A. J. 122:87-88

Slavery

See also 210, Extradition

- a Provision allowing owners of slaves to abandon them to state, under
certain circumstances, is growing expense to state and requires at-
tention. Clinton, G: 1802. A. J. 25:6

- | | | |
|---|---|---|
| b | Gradual abolishment of slavery recommended. | Tompkins. 1812. A. J. 35:6 |
| | Final. | Tompkins. 1817. A. J. 40:126 |
| c | Condition of negroes and state policy toward them. Churches and schools for them are to be encouraged. | |
| | | Clinton, D. 1819. A. J. 42:16-17 |
| d | Recommended that Legislature express itself against extension of slavery. | Clinton, D. 1820. A. J. 43:17; 44:10 |
| e | Abolition movement. | Marcy. 1836. A. J. 59:30-37
1837. A. J. 60:9 |
| f | New York state opposed to extension of slavery. | |
| | | Fish. 1849. A. J. 72:24-26 |
| g | Protest against slavery. | Fish. 1850. A. J. 73:37-41 |
| h | "So far as the state of New York is concerned there shall be henceforth no extension of slavery in the territories of the United States." | |
| | | King. 1857. A. J. 80:29 |
| i | Extension of slavery in new territory. | Hunt. 1851. A. J. 74:26-31 |
| j | Work and needs of American Colonization Society. | |
| | | Hunt. 1852. A. J. 75:29-30 |
| k | Slavery. Relations between states. | Clark. 1855. A. J. 78:28-29 |
| m | Missouri Compromise. | Clark. 1855. A. J. 78:30-31 |
| n | Missouri Compromise in Kansas and Nebraska. | |
| | | Clark. 1856. A. J. 79:115-16 |
| p | Effect of repeal of Missouri Compromise. | King. 1857. A. J. 80:30-33 |
| q | Lemmon slave case; provision for payment of. | |
| | | Clark. 1856. A. J. 79:115 |
| r | Supreme Court decision. | King. 1858. A. J. 81:131-32 |
| s | "We never claimed that we had the right to interfere directly or indirectly with slavery as it existed in the other states of the Union. New York still maintains the same position." | |
| | | Morgan. 1860. A. J. 83:37-39 |
| t | "Electors of New York recognize the authority of Congress to legislate for the territories and to prohibit the establishment of slavery therein." | |
| | | Morgan. 1860. A. J. 83:39 |
| u | Effect of fugitive Slave Act. | Morgan. 1861. A. J. 84:35-37 |
| v | Charleston Convention. | Morgan. 1861. A. J. 84:34 |
| w | Secession of Southern States threatened. | Morgan. 1861. A. J. 84:34 |
| x | Recommends appointment of a committee to confer with like committees from other states in regard to the slavery question. | |
| | | Morgan. 1861. A. J. 84:157-59 |

126

- a "As the Constitution has not prescribed the mode in which elections are to be conducted, you will turn your attention to some law for that purpose." Clinton, G: 1777. A. J. 1:6
b Recommended that law for holding elections be framed. Clinton, G: 1786. A. J. 9:7
c "I call your attention to the importance of guarding and protecting the elective franchise by such laws and regulations for its proper

exercise as will insure its purity and vigor."

- Fenton. 1865. A. J. 88:20-21
- d "It is very certain that purity of elections in states can not be secured by transferring the direction or control of them to the authorities in Washington." Hoffman. 1869. A. J. 92:30-31
- e "All laws relating to elections should be uniform in their principles and general in their application." Hoffman. 1870. A. J. 93:23
- f Protest against interference in elections by federal authorities. Hoffman. 1871. A. J. 94:27-30
Robinson. 1879. A. J. 102:32
- g Suggestions for securing electoral reform. Hill. 1889. A. J. 112:1798-814
- h "In the defeat of that measure ['Force bill' in Congress] the State of New York and every other state in the Union has a vital interest. It is a dangerous step in the direction of centralized government." Hill. 1891. A. J. 114:29-30
- i Reforms suggested. Morton. 1895. A. J. 118:23-25

129 Suffrage; qualifications

- a Difficulties in interpretation of article in new Constitution defining right of suffrage. Need of explanatory law. Yates. 1823. A. J. 46:13
- b More liberal extension of right of suffrage recommended. Clinton, D. 1825. A. J. 48: 9 1826. A. J. 49:16
Amended provision. Clinton, D. 1827. A. J. 50:10
- c "The test of qualifications of electors and form of applying it have been found deficient in populous cities." Seward. 1839. A. J. 62:20

142 Residence

- a "High judicial authorities differ as to the meaning of the word resident. It is within the power of the Legislature to define this term and such a measure is highly necessary." Seward. 1840. A. J. 63:17
- b "An act of 1839 has had good effect in preventing colonization in wards and towns." Seward. 1841. A. J. 64:26
- c "I recommend the enactment of a law providing that in no case can those entitled to vote be deprived of their just rights on account of temporary absence or otherwise." Morgan. 1859. A. J. 82:26-27
- d Recommends measures to extend the right of suffrage to absent soldiers and seamen. Seymour. 1863. A. J. 86:954-55

145 Soldiers home inmates

- a "Additional legislation seems required to the end that the right of veterans at the New York State Soldiers and Sailors Home at Bath to vote at the home may be established and settled by express statute." Hill. 1888. A. J. 111:17, 35-37

146 Women

- a "I call attention to the desirability of gradually extending the sphere in which the suffrage can be exercised by women." Roosevelt. 1899. A. J. 122:27

147

Minority representation

- a "I recommend that this system [cumulative voting] be adopted in the city of New York for cases in which more than one person for the same body is to be voted for." **Dix.** 1873. A. J. 96:21-22

149

Corrupt practices. Election offenses*See also 167, Offenses*

- a "Severe restraints ought to be established against . . . any means of intimidation or corruption." **Clinton, D.** 1827. A. J. 50:10
Van Buren. 1829. A. J. 52:15-16
Good result of law which was enacted. **Throop.** 1830. A. J. 53:27
- b "You should provide effectual means for executing with rigor the act passed 1829 to preserve purity of elections."
Marcy. 1835. A. J. 58:27-28
- c "He who gives and he who takes a bribe should not only be severely punished but forever disfranchised. I recommend that such disfranchisement be made part of punishment incident to conviction, in same way as incompetency to testify, in conviction for perjury."
Seward. 1841. A. J. 64:27
- d Betting, bribery and intimidation at elections, and suggestions of means for prevention. **Wright.** 1845. A. J. 68:36-40
- e Bribery and corruption. **Hunt.** 1851. A. J. 74:25-26
1852. A. J. 75:24
Clark. 1855. A. J. 78:27
- f "Corrupt use of money in elections should be severely punished and every guaranty established by which illegal voting may be prevented."
Hoffman. 1869. A. J. 92:30
- h Recommends resolutions to provide for an amendment to the Constitution by which persons may be convicted and punished for offering bribes at elections. **Hoffman.** 1871. A. J. 94:124-26
- i "Effectual laws against bribery of the electors and to take away the office obtained by bribery, thorough protection of the right of challenge on election day, severe penalties against miscounting votes and against illegal voting ought to suffice for the protection of the ballot."
Hoffman. 1872. A. J. 95:32-34
- j "I recommend a law with severe penalties entirely prohibiting all bets direct or indirect upon the result of any election."
Robinson. 1877. A. J. 100:27
- k "I recommend a thorough re-examination and revision of the election laws with a view to rendering convictions more certain."
Robinson. 1877. A. J. 100:27
- m "You are urged to consider and adopt whatever measures against bribery may promise relief." **Cornell.** 1882. A. J. 105:93
- n "What the people desire is a plain simple measure amending the present election laws in a few particulars by lessening the opportunities for corruption, intimidation and every species of fraud."
Hill. 1889. A. J. 112:14-20
- p "I recommend a measure whereby a successful candidate who can be proven to have obtained votes by bribery or other corrupt or

illegal means may be ousted from office."

Hill. 1891. A. J. 114:26-27, 608-9

- r "Any measure not in conflict with the Constitution which will so bulwark the present law as to make intimidation and bribery impossible will receive my hearty approval." Flower. 1892. A. J. 115:31

- s "Another remedy for the evil of corruption is such legislation as will make proof of bribery on the part of candidates or their political agents or committees sufficient cause for forfeiture of office."

Flower. 1893. A. J. 116:38-39

150

Corrupt practices acts

- a "It is submitted whether it may not be expedient to require each candidate for a public office at a general election to file with the Secretary of State within 10 days after the election a verified statement of all moneys expended by him in aid of his election during the canvass."

Hill. 1889. A. J. 112:19

- b "[Corrupt practices act] should be extended to include political committees and agents among those required to file statements of expenditures."

Hill. 1890. A. J. 113:1360-61

- c "Defect in corrupt practices act is that political committees are not required to file certified statements of their receipts and expenditures."

Flower. 1893. A. J. 116:38

155

Illegal voting

- a "I recommend that it be made a felony for an unqualified person to vote wilfully or cause his name to be registered...that no less severe penalty be visited upon a citizen aiding such crime."

Seward. 1841. A. J. 64:27

156

Intimidation

- a "That species of intimidation frequently resorted to before important elections by the use of political pay envelops in which to pay employees their wages should be specifically prohibited."

Hill. 1890. A. J. 113:38

160

Nominations. Parties

- a "Protection of the people in their primaries will, it is hoped, be secured by the early passage of a law for that purpose."

Cleveland. 1883. A. J. 106:25

- b Success of new primary law. Cleveland. 1884. A. J. 107:34-35

- c "The provisions in regard to nominations by parties and independent bodies can doubtless be revised." Morton. 1896. A. J. 119:28

167

Offenses

See also 140. Corrupt practices

- a "I recommend that legislation be passed prohibiting the payment by any candidate for judicial office directly or indirectly of assessments or contributions to political parties for campaign purposes."

Roosevelt. 1900. A. J. 123:46

168

Parties

- a Intense party spirit deprecated. Clinton, D. 1820. A. J. 43:16

170

Districts. Notices. Days

- a "I recommend that time for general election and for the canvass in the several towns be reduced to 1 day and that... towns and wards be divided into election districts by their inspectors."
Seward. 1841. A. J. 64:27 1842. A. J. 65:13
- b The act to repeal New York city registry law does not transfer the power of revising election district boundaries and appointing time and place of election, which powers belonged to the Commissioners of Registry now abolished. Seward. 1842. A. J. 65:401-2

171

Days. Hours

See also 1604, Legal holidays

- a Evils of holding county, state and federal elections at same time. Recommended that at least presidential election be held separately.
Van Buren. 1829. A. J. 52:15
- b "An effectual means of securing legal voters to exercise the right of voting would be to make the day of all general elections a legal holiday."
Morgan. 1860. A. J. 83:37
- c "Separation of municipal from state elections, thereby relieving the choice of local officers from the influence of partizan politics would be a step in the right direction." Hill. 1886. A. J. 109:19-21

172

Districts

- a "It is recommended that election districts throughout the state be made much smaller." Hill. 1889. A. J. 112:18
- b "It should be provided that election districts should not contain over 300 voters and means should be afforded for enforcing such a provision." Hill. 1890. A. J. 113:38-39

175

Ballots. Voting

- a "Election laws should be amended by providing that a reasonable distance from the polls be set aside or reserved by barriers of some kind behind which no one except peace officers and one elector at a time should be permitted to enter and that all electioneering should be done outside of such reserved distance and that each elector should be required to pass behind screens or within compartments or booths and there alone prepare or assort his tickets." Hill. 1889. A. J. 112:16
- b Australian system of voting: advantages and objections explained.
Hill. 1890. A. J. 113:25-39
- c "It is recommended that a joint resolution be passed by Legislature, requesting the Court of Appeals to reconvene at the earliest convenience for the purpose of examining the Saxton ballot reform bill and expressing their opinions as to its constitutionality."
Hill. 1890. A. J. 113:760-62
- d Suggestions to secure simplicity in voting.
Flower. 1894. A. J. 117:3080-83

- e "The law should be amended in regard to the provision applying to cases where two or more persons are standing as candidates for the same office so as to render it less difficult for the voter to express his exact choice." Morton. 1896. A. J. 119:28

180

Compulsory voting

- a "Every effort should be made to encourage and perhaps compel the legal voters to exercise the right of voting. An effectual means would be to make the day of all general elections a legal holiday." Morgan. 1860. A. J. 83:37
- b "It is suggested that it should be provided by statute that every elector who fails to vote at each general election without lawful excuse should be subjected to a fine or imprisonment for each offense." Hill. 1889. A. J. 112:20-21

187

Registration

- a "If a law establishing registry can be passed which will exclude no legal voters and if illegal voting can in no other way be prevented, such a measure ought to be adopted." Seward. 1841. A. J. 64:27
- b Defects in act repealing New York city registration law, Commissioners of Registry abolished and the power of revising district boundaries unassigned, no provision for filling vacancies in office of inspectors, or requirement that inspectors shall be residents of their districts. Seward. 1842. A. J. 65:401-2
- c "I suggest the enactment of a registry law whereby the rights of every elector may be ascertained in advance... of election day." King. 1858. A. J. 81:126
- d "In my judgment there should be one registry law for the whole state imposing equal conditions and restrictions everywhere." Hoffman. 1869. A. J. 92:30
- e Registration laws. "Far better results would be attained by providing everywhere for the establishment of smaller polling districts and the full and free exercise of the privilege of challenge on election day." Hoffman. 1870. A. J. 93:23
- f "A well guarded registry law for all incorporated villages is believed to be necessary for the correction of existing evils." Cornell. 1880. A. J. 103:22
- g "[Present laws] should be amended so as to dispense with the present arbitrary requirements in regard to the production of naturalization papers at registration." Hill. 1885. A. J. 108:24-25
- h Brooklyn. "It is recommended that registry laws be changed so that they shall conform to the registry laws in other parts of the state or at least to those in New York city." Hill. 1886. A. J. 109:32
- i "The present Legislature can take no more effectual steps towards securing true electoral reform than by the enactment of a proper measure providing for a general registration of electors throughout the state." Hill. 1889. A. J. 112:767-69
- j "I recommend the extension of the registration law to the remainder of the state so that personal registration each year shall be required of every voter as prerequisite to his right to cast a ballot." Flower. 1892. A. J. 115:31-32 1893. A. J. 116:28

190

Lists. Transfers

- a Registration lists. "To mass the names of the electors of the entire city in a single publication would furnish great facilities for evil disposed persons to plan and perpetuate fraudulent voting."
Cornell. 1881. A. J. 104:1656-57
- b "I suggest the propriety of requiring the publication of the registry lists in cities prior to the election."
Flower. 1894. A. J. 117:24-25

192

Election officers

- a Method of appointing election inspectors.
Robinson. 1878. A. J. 101:773-74
- b "I suggest the propriety of a law which shall apply uniformly throughout the state and shall provide for a nonpartizan board of election inspectors in each election district."
Flower. 1894. A. J. 117:24-25
- c "I recommend the entire separation of the bureau of elections from the police department of the city of New York and the creation of a bipartizan board."
Odell. 1901. A. J. 124:38

194

Canvass. Contests

195

Count. Canvass. Returns

- a "Election in New York city attended by an outbreak in which officers...were compelled to leave ballot boxes... It resulted in a suspension of functions of common council for two months."
Seward. 1842. A. J. 65:1001

196

Contests

- a "In case of contested elections the contestant should be allowed to file with the disbursing officer a protest against payment of salary to the person who has received the certificate of election and that the filing of such protest shall prevent payment."
Cornell. 1882. A. J. 105:92-93

197

Presidential elections

- a Recommended that provision be made for appointment of the new presidential electors.
Clinton, G. 1792. S. J. 15:50
- b New law for choice of electors needed, as ratio of representation differs from that previously fixed.
Clinton, G. 1792. A. J. 16:5
- c Measures preparatory to election of a President to succeed Washington are to be taken.
Jay. 1796. A. J. 20:5
- d Presidential electors to be chosen for ensuing election, and alternates to be provided for absent electors. United States Constitution amended in regard to election of President and Vice President.
Lewis. 1804. A. J. 28:5-6 Yates. 1824. A. J. 47:13-14; 1145-47
Tompkins. 1808. A. J. 31:7 Clinton, D. 1825. A. J. 48:8-9
Clinton, D. 1820. A. J. 44:9-10
- e Choice of presidential electors.
Clinton, D. 1827. A. J. 50:9
1828. A. J. 51:8

- f Electoral vote. "So often as any question has arisen as to the validity of an electoral vote the two houses of Congress have assumed the exclusive right to determine the question. No better repository of such powers can be found." Robinson. 1877. A. J. 100:27-32

200

CRIMINAL LAW

- a Glaring defects in Criminal Code to be remedied.
Clinton, D. 1822. A. J. 45:16-17 Yates. 1823. A. J. 46:13
- b Recommended that courts should be required to return yearly to clerks' offices the number of arrests, trials, convictions and sentences, and that these statistics be sent to Secretary of State.
Throop. 1831. A. J. 54:22 1832. A. J. 55:20
- c Number of convictions by various courts. Bouck. 1843. A. J. 66:30
- d Recommended that Criminal Code be modified to make punishment certain rather than severe. Fish. 1849. A. J. 72:18
- e "The criminal laws of our state need amendments and additions:" organization of corporations; criminal pleadings; distinction between grand and petit larceny; evidence for bills of indictment; regulations of grand juries. Clark. 1856. A. J. 79:112
- f "It is worthy of consideration whether in framing our system of criminal jurisprudence we have not created impediments to the punishment of the guilty and given a rein to crime through its impunity." Dix. 1873. A. J. 96:22-23

202

Criminal procedure

- a Importance of Criminal Code reported by Practice Commission.
Hoffman. 1869. A. J. 92:26

203

Apprehension, prosecution, indictment

210

Extradition

- a Apprehending and securing rebels from Massachusetts taking refuge in New York advised to be sanctioned by Legislature, on request of Massachusetts. Clinton, G: 1787. A. J. 10:62
- b Extradition of criminal in Canada. Clinton, D. 1822. A. J. 45:14-15
- c Question in regard to extradition of 3 persons charged with stealing a negro in Virginia, refused by Governor of New York.
Seward. 1840. A. J. 63:19-20 1841. A. J. 64:19-20
- d Virginia has retaliated by passing law to injure commerce of New York. Seward. 1842. A. J. 65:12, 1002-3
- e Effort to extradite a fugitive from Rhode Island in connection with rebellion there.
"I have forbore to demand fugitives to Canada and to surrender fugitives here since the United States Supreme Court decided that this power... belonged to the federal government... I have invoked the interposition of the government." Seward. 1842. A. J. 65: 1003-4
- f Legislature has adopted resolution declaring that stealing a slave is a crime for which extradition may be required. The Governor concurs in this. Bouck. 1843. A. J. 66:18

- g New York State laws regarding return of fugitive slaves have been pronounced unconstitutional by State and United States Supreme Courts. Hence it is recommended that they be repealed.

Bouck. 1843. A. J. 66:17-18

211

Habeas corpus

- a "The wide extension of the habeas corpus act may, unless restrained, with reference to persons charged with treasonable practices, prove injurious."
Clinton, G: 1777. A. J. 1:14
- b Attention called to radical defect in habeas corpus act.

Clinton, D. 1818. A. J. 41:261

219

Evidence

See also 246, Perjury

- a "I call attention to the present practice of detaining witnesses in criminal cases when unable to give bail for their appearance at the trial of the accused. I submit whether it can not be remedied by proper legislation."
Hoffman. 1869. A. J. 92:21
- b "The law should provide that no person shall be detained in prison as a witness in criminal cases beyond a specified time."

Hoffman. 1871. A. J. 94:21

224

Judgment. Sentence. Execution

225

Appeals. New trial

- a "Justice would be promoted by submitting every capital conviction to a review by the judges of the Supreme Court."
Hunt. 1852. A. J. 75:22-23
- b "I recommend that Courts of Oyer and Terminer be given the power in cases of conviction by them to grant new trials upon the merits or for irregularity or on ground of newly discovered evidence or that the Supreme Court be given this power in cases of conviction by Oyer and Terminer."
Hoffman. 1870. A. J. 93:24
- Same recommendation.
Hoffman. 1871. A. J. 94:21
- c Delay in appeals in capital cases. Hill. 1885. A. J. 108:1392-93
- d "I recommend that the law be changed by dispensing with so many appeals in such cases [capital] and providing for an appeal which may be direct from the Oyer and Terminer to the Court of Appeals."

Hill. 1886. A. J. 109:31

226

Expenses. Costs. Fines

- a "Dispensation of criminal justice is attended with heavy and it is believed with unnecessary expense." Clinton, D. 1818. A. J. 41:13
- b Wisdom of the improvements adopted.

Clinton, D. 1820. A. J. 43:14

228

Sentence

See also 353, Commitment; 363, System of sentencing and reform

229 Death penalty

- a Sanguinary nature of Criminal Code has been subject of complaint and calls for modification. Clinton, G: 1794. A. J. 17:8
 Revision again urged. Clinton. 1795. A. J. 18:5
 Jay. 1796. A. J. 19:6
- b Imprisonment has to some extent been substituted for death. Jay. 1802. A. J. 25:6
- c Good results of milder laws. Clinton, G: 1803. A. J. 26:7
- d Recommended that capital punishment be confined to treason and murder. Tompkins. 1808. A. J. 31:7-8
- e "I have always entertained doubts of the right of society to take away life...that vestige of barbarism." Tompkins. 1812. A. J. 35:10
- f Question submitted whether capital punishment is not too frequent, thus encouraging rather than preventing crime. Seward. 1841. A. J. 64:16
- g It is hoped that ultimately, capital punishment may be abolished but not unless pardoning power is guarded carefully. Seward. 1842. A. J. 65:13
- h "Legislation on the subject is imperatively necessary." Morgan. 1861. A. J. 84:18
- i Hanging. "It may well be questioned whether science of the present day can not provide a means for taking the life in a less barbarous manner." Hill. 1885. A. J. 108:33
- j "I recommend the repeal of that provision which prohibits the newspaper publication of an account of the details of the execution." Flower. 1892. A. J. 115:24-25
- k "I suggest the erection of an isolated prison house for the confinement and execution of persons condemned to death." Morton. 1896. A. J. 119:24

233

Criminal jurisdiction

- a Dispute over right of New York state to arrest and try a British subject who has committed a crime in the state. Seward. 1842. A. J. 65:14-15
- b Numerous crimes and difficulties in execution of justice suggest inquiry whether there are not too many magistrates authorized to accept bail and discharge on habeas corpus. Seward. 1842. A. J. 65:14, 1001

234

Crimes and offenses

- a Sanguinary nature of the Criminal Code has been subject of complaint and calls for modification. Clinton, G: 1794. A. J. 17:8
 Revision again urged. Clinton, G: 1795. A. J. 18:5
 Jay. 1796. A. J. 19:6
- b Recommended that Criminal Code be revised to secure proportion between crime and penalty, and uniformity in penalty for given offense, also to classify degrees of same crime. Lewis. 1804. A. J. 28:7 1807. A. J. 30:7

- c As Criminal Code has been meliorated, it is necessary to maintenance of laws that penalties imposed should be carried out, and that adequate prison room should be provided. **Tompkins.** 1816. A. J. 40:7
- d "The whole system requires careful revision and considerable amelioration."
Clinton, D. 1826. A. J. 49:14
1827. A. J. 50:16-17
Throop. 1830. A. J. 53:10-11
- e "Our Criminal Code may be improved by reducing number of cases subject to capital punishment and by enlarging power of court to punish in some cases of aggregated larceny... and to diminish number of state prison offenses." **Throop.** 1832. A. J. 55:19
- f Question of whether the assuming of a disguise, for the purpose of committing violence, shall not be made a misdemeanor.
Wright. 1845. A. J. 68:48 1846. A. J. 69:14-20
- g Penal Code, modifications suggested: (1) To abridge terms of imprisonment. (2) To reduce to one year minimum state prison sentence. (3) To increase limit for division between grand and petit larceny.
Fish. 1850. A. J. 73:28
- h Importance of Penal Code reported by Code Commission.
Hoffman. 1869. A. J. 92:26
- i Penal Code. "Careful examination reveals several features that require amendment."
Cornell. 1882. A. J. 105:92

236 Crimes against the government

- a Recommended that laws be enacted for removing disaffected persons from vicinity of forts etc. and for preventing their saving provision for the enemy's use.
Clinton, G. 1778. A. J. 1:87
- b Recommended that giving of aid to the enemy by disaffected persons in Westchester county may be forbidden.
Clinton, G. 1780. A. J. 3:89
- c Measures recommended for restoring order in revolted district, the New Hampshire grants.
Clinton, G. 1782. A. J. 5:72
- d Stricter laws recommended as to disorderly element in Livingston, Columbia county.
Jay. 1798. S. J. 21:66
- e Action recommended in reference to treasonable intercourse between enemy and leaders of revolt in northeastern part of state.
Clinton, G. 1782. A. J. 5:50
- f In view of numerous claims of dower by widows of attainted persons it is necessary to guard against improper or fraudulent claims.
Clinton, G. 1802. A. J. 25:6

238 Administration of justice

- a Dangerous resistance to judicial authority in Columbia county and need of suppressing it.
Jay. 1800. A. J. 23:6
- 246 Perjury
 - a Recommended that persons convicted of perjury be confined in state prisons.
Jay. 1800. A. J. 23:6

256 Crimes against public order and security*See also* 870, Public order**260 Vagrancy**

- a** A serious defect exists either in our statutes relating to summary convictions upon the charge of vagrancy, or in the practice under those statutes. **Fish. 1850. A. J. 73:34**

262 Weapons

- a** Recommended that more adequate law be enacted against carrying concealed weapons. **Clinton, D. 1820. A. J. 43:14**

292 Crimes against persons

- a** Evil of dueling and need of energetic measures against it. **Clinton, D. 1828. A. J. 51:12**

294 Abduction

- a** Message regarding abduction of William Morgan. **Clinton, D. 1827. A. J. 50:838** **Throop. 1831. A. J. 54:27**
Van Buren. 1829. A. J. 52:16,591

296 Assault

- a** Recommended that persons convicted of assault with intent to commit felony of any kind should be confined in state prisons. **Jay. 1800. A. J. 23:6**

304 Homicide

- a** Recommended that distinction be drawn between actual and implied murder; two cases referred to Legislature.

Lewis. 1806. A. J. 29:9-11

Respite in one of these cases.

Tompkins. 1808. A. J. 31:8

- b** "A law should be passed containing a new definition of murder in the first degree confining it to poisoning, killing by lying in wait and killing where there was a deliberate premeditated design to effect death."

Morgan. 1862. A. J. 85:15-16

- c** "I recommend that provision be made by statute that in all cases of murder where the circumstances attending the homicide do not in the opinion of the jury justify the punishment by death, they may render a verdict of murder of a less degree to be punished by imprisonment for a term of years the maximum to be fixed by law."

Hoffman. 1869. A. J. 92:26 **1870. A. J. 93:24**

- d** "I recommend that either the maximum punishment for manslaughter in the third degree be made much greater or that when the degree of premeditation does not or other facts do not in the judgment of the jury justify punishment by death they be authorized to render a verdict of murder in the second degree to be punished by imprisonment for life or for a term of years at the discretion of the court."

Hoffman. 1872. A. J. 95:22

- e** "Frequency and atrocity of murderous assaults is an alarming feature of our times."

Cornell. 1882. A. J. 105:83-84**308 Crimes against property****310 Arson**

- a** "It is worthy of consideration whether additional legislation is not required to suppress the crime of incendiarism."

Cornell. 1880. A. J. 103:17

316 Counterfeiting. Forgery

- a Recommended that laws be enacted for detecting persons making or knowingly passing counterfeit bills. Clinton, G. 1779. A. J. 46
- b Multiplication of banks increases ease of counterfeiting bills. Tompkins. 1812. A. J. 35:8-9
- c Recommended that crimes of counterfeiting be classified and penalties differentiated. Clinton, D. 1819. A. J. 42:19

322 Embezzlement

- a More stringent laws against bank embezzlement recommended. Clinton, D. 1819. S. J. 42:221
- b 'Operation of the [embezzlement] law should be extended to include all public officers who may be charged with the collection or custody of moneys." Hunt. 1851. A. J. 74:25
- c "Enactment of provisions more adequate to the prevention of this evil [embezzlement and breach of trust] is urged." Morgan. 1860. A. J. 83:34
- d "Our statutes in regard to the embezzlement of moneys and breaches of trust are defective in respect to the acts and persons embraced in them, the definition of the crimes and the degree of punishment awarded them." Dix. 1874. A. J. 97:25-26

328 Larceny

- a "Present method of punishing petty larceny proves to be inexpedient." Jay. 1799. A. J. 22, pt 2:25
- b Recommending change in punishment for petit larceny. Lewis. 1807. S. J. 30:352 Tompkins. 1808. A. J. 31:8
- c "If stealing below value of \$50 were considered petit larceny and offenders confined in county jails, it is believed our penitentiaries would be relieved." Clinton, D. 1819. A. J. 42:18-19
- d As value of money has receded, it is recommended that a larger sum than \$25 be the division between grand and petit larceny. Fish. 1849. A. J. 72:18
- e "Amount fixed...to distinguish grand from petit larceny should be increased." Hunt. 1852. A. J. 75:22

Corrections

135

- a "Our prison system requires such change in the organic law as will confer upon one person the power and authority now given to the present inspectors. He should be appointed by the Governor and the Senate and be removable for cause at the discretion of the former." Morgan. 1859. A. J. 82:18
- b "It is my opinion that when the Constitution shall admit of the change it will be wise to substitute for the three inspectors of prisons one superintendent to be appointed by the Governor and Senate." Morgan. 1862. A. J. 85:17
- c Revision of the existing statutes relating to prisons is requisite to bring all of the penal institutions under one harmonious system." Morton. 1896. A. J. 119:21-22
- d "The work of the Board of Prison Commissioners should be conferred upon a single commissioner to be selected by the Governor by and with the consent of the Senate." Odell. 1901. A. J. 124:25-26

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State prisons

Σ 1

- a** Report on prison administration (including statistics, condition management, receipts and expenditures).
- Yates. 1824. A. J. 47:10 Marcy. 1833. A. J. 56:10-12
 Clinton, D. 1825. A. J. 48:19 1834. A. J. 57:12-14
 1826. A. J. 49:14-15 1835. A. J. 58:20-22
 1828. A. J. 51:11-12 1836. A. J. 59:13-14
 Throop. 1830. A. J. 53:11-14 1837. A. J. 60:15-16
 1831. A. J. 54:20-22 1838. A. J. 61:24-25
 1832. A. J. 55:17-20
- b** Report on prison administration
- Seward. 1839. A. J. 62:15 Seymour. 1863. A. J. 86:89-90
 1840. A. J. 63:13 1864. A. J. 87:11-12
 1841. A. J. 64:15, 23 Fenton. 1865. A. J. 88:18
 1842. A. J. 65:13, 1001 1866. A. J. 89:18
 1843. A. J. 66:21-30 1867. A. J. 90:20
 1844. A. J. 67:27-28 1868. A. J. 91:23-24
 Wright. 1845. A. J. 68:31-33 Hoffman. 1869. A. J. 92:20
 1846. A. J. 69:37-40 Dix. 1874. A. J. 97:13
 Young. 1848. A. J. 71:25-26 Tilden. 1875. A. J. 98:49-50
 Hunt. 1852. A. J. 75:20-21 1876. A. J. 99:31
 Seymour. 1853. A. J. 76:17-18 Robinson. 1877. A. J. 100:15-16
 1854. A. J. 77:18-21 1878. A. J. 101:17
 Clark. 1855. A. J. 78:13 Cornell. 1880. A. J. 103:16-17
 1856. A. J. 79:105 1881. A. J. 104:18
 Morgan. 1859. A. J. 82:17 1882. A. J. 105:80
 1860. A. J. 83:18-19 Cleveland. 1883. A. J. 106:19
 1861. A. J. 84:19-21 1884. A. J. 107:20-22
 1862. A. J. 85:16-17 Flower. 1892. A. J. 115:25-26
- c** "It appears necessary that provision be made for the custody and accommodation of prisoners." Clinton, G. 1777. A. J. 1:14
- d** "It is worthy of consideration whether establishments for confining, employing and reforming criminals will not immediately become indispensable." Jay. 1796. A. J. 19:6
- e** Question raised whether petty offenders sentenced for more than one year should be confined in state prisons or in less expensive institutions. Jay. 1802. A. J. 25:6
- f** Damage by fire in State Prison to be provided for by appropriation. New regulations for government of prison to be adopted but it is doubted whether infliction of capital punishment should be allowed. Lewis. 1804. A. J. 28:6
- g** "Respectfully suggested that the prison be enlarged or that a new one be built in northern or western part of state." Tompkins. 1816. A. J. 39:12
- h** Inefficacy and great expense of penitentiary system. Reformation much needed. Clinton, D. 1818. A. J. 41:13 1819. A. J. 42:18-19
- i** "Inspectors of the two penitentiaries hold office under different authorities and it is difficult to discover any good reason for the discrepancy." Clinton, D. 1819. A. J. 42:19

- j Recommended that commissioners be appointed to consider removal of State Prison in New York to better place and to investigate its management with view to improvement. Clinton, D. 1819. A. J. 42:620
- k Improvement noted and moral classification of prisoners recommended, as incentive to reformation. Clinton, D. 1820. A. J. 43:14
- m Reform needed in government of penitentiaries. Separate system of confinement recommended. Clinton, D. 1820. A. J. 44:13-14
Yates. 1823. A. J. 46:13
- n Lack of rules for government of Mt Pleasant Prison. Action advised. Clinton, D. 1828. A. J. 51:12
- p Message relative to conditions of state prisons. Throop. 1830. A220
- q Message relative to Auburn State Prison. Bouck. 1843. S. 97
- r Message on Clinton Prison. Young. 1847. S. 18
- s "Our prison system is much more expensive than the system in operation in several other states while in its discipline and management it is inferior. Some improvement in both respects can be made by thorough revision of all the statutes relating to the prisons." Morgan. 1859. A. J. 82:17-18
- s1 Enlargement of Dannemora Prison. Morgan. 1860. A. J. 83:19-20
- s2 "I recommend a law providing for the appointment of a commission ... to inquire into the system of our prison management, with reference to discipline and economical administration." Morgan. 1861. A. J. 84:19
- t Duties of Prison Association of New York. Fenton. 1865. A. J. 88:18-19
- u "I recommend the appointment of a commission to select a site for a new prison, which commission shall also report a plan for the construction of a building with estimate of the cost and shall make suggestions as to the character and management of the prison." Hoffman. 1869. A. 147
- v "The prison system abounds in evils; many of them due to the fact that the persons appointed to discharge the duties of agents, wardens and keepers are too often selected from political considerations only." Hoffman. 1869. A. J. 92:20
- w "Improvement can be secured only by an amendment to the Constitution which shall concentrate the responsibility." Hoffman. 1872. A. J. 95:15
- x "The administration of the state prisons under the new system exhibits the most satisfactory results." Robinson. 1879. A. J. 102:16
- y "It is advisable and economical to enlarge Clinton Prison to double its present capacity." Robinson. 1879. A. J. 102:19-20
- z "The cells should be renovated and placed in a more sanitary and healthful condition." Roosevelt. 1899. A. J. 122:32
- 342 **Employees**
- a Necessary to prescribe some system of discipline and government for military guards in prisons." Jay. 1802. A. J. 25:6
Clinton, D. 1819. A. J. 42:19

- b Some legislative provision as to powers and duties of inspectors and keepers of the State Prison may be required, if death penalty is in some cases to be commuted to life imprisonment.

Tompkins. 1816. A. J. 39:12

- c "Much concentrated responsibility is needed as well as protection against frequent changes in office." Hoffman. 1870. A. J. 93:16

143 Reform schools and reformatories

145 Institutions for women and girls

- a New York House of Refuge favorably noticed.
 Clinton, D. 1825. A. J. 48:19 Throop. 1830. A. J. 53:14
 1826. A. J. 49:15 1831. A. J. 54:22
 1827. A. J. 50:12 Marcy. 1834. A. J. 57:14-15
 Van Buren. 1829. A. J. 52:16-17 Seward. 1840. A. J. 63:13-14
- b Recommended that prison for women be built and women transferred from present penitentiaries.
 Clinton, D. 1828. A. J. 51:11-12 Marcy. 1833. A. J. 56:11-12
 Throop. 1831. A. J. 54:21 1834. A. J. 57:13-14
 1832. A. J. 55:17-18 1835. A. J. 58:22
- c "Considerable progress has been made in erecting a prison for female convicts." Marcy. 1837. A. J. 60:16
- d "The prison at Mt Pleasant is not yet completed but they have been removed thither." Marcy. 1838. A. J. 61:24
 Seward. 1839. A. J. 62:15
- e Recommended that a house of refuge be established in western part of the state. Seward. 1840. A. J. 63:13-14 1841. A. J. 64:23-24
 Such an institution is built at Rochester.
 Young. 1848. A. J. 71:26
- f "The establishment of a separate institution for female prisoners... reflects honor upon the state." Recommended that they be sent directly there instead of going first to Auburn, also that the use of a building near the prison be granted for a retreat after release, under control of private charity. Seward. 1841. A. J. 64:23
- g "The female prison is regarded by the inspectors as insufficient." Bouck. 1844. A. J. 67:27 Fish. 1850. A. J. 73:28
- h Reformatories.
 Hunt. 1851. A. J. 74:21-22 Clark. 1856. A. J. 79:106
 1852. A. J. 75:19 King. 1857. A. J. 80:22
 Seymour. 1853. A. J. 76:17 Morgan. 1859. A. J. 82:22-23
 1854. A. J. 77:18 1860. A. J. 83:27-28
 Clark. 1855. A. J. 78:15 1861. A. J. 84:29-30
- i Location of House of Refuge for Women at Hudson.
 Cornell. 1882. A. J. 105:81
- j "I suggest such changes in all laws governing reformatories as will give the governor the power of removal over superintendents upon presentation of formal charges and after an opportunity to the accused to be heard in his own behalf."
 Flower. 1894. A. J. 117:38-39, 2746-47

347 Elmira Reformatory

- a Building commission. Hoffman. 1871. A. J. 94:16
- b Construction. Tilden. 1876. A. J. 99:30-31
- c "Design of the reformatory was the reformation as well as the punishment of young convicts not yet hardened in crime."
Robinson. 1877. A. J. 100:16-17
- d Cost. Robinson. 1878. A. J. 101:18
- e Policy of management. Cornell. 1881. A. J. 104:22
- f Report and prospects. Cornell. 1882. A. J. 105:80-81
- g Term of imprisonment in. Cleveland. 1884. A. J. 107:21
- h "The authority of the managers there over inmates is too arbitrary and extensive. A prisoner's term should not depend on the will of his keeper. The court should fix it." Black. 1898. A. J. 121:25-29

348**Local institutions**

- a "I deeply regret the failure of my efforts to induce Legislature to check crime by reform in construction and government of houses of detention and correction."
Seward. 1842. A. J. 65:1001

349 County and township

- a Recommended that county of Albany be provided with funds for making and keeping jail secure. Jay. 1797. S. J. 20:87
- b Recommended that solitary cells for confinement of offenders below degree of grand larceny be established in counties.
Clinton, D. 1819. A. J. 42:18-19
- c Need of improvement in county jails.
Throop. 1830. A. J. 53:11-12 Marcy. 1835. A. J. 58:22
1831. A. J. 54:22 1836. A. J. 59:14
1832. A. J. 55:18 Seward. 1840. A. J. 63:13
Marcy. 1834. A. J. 57:14 1842. A. J. 65:14
- d Need of a uniform system of management and inspection suggested for county jails. Clark. 1856. A. J. 79:106
- e "Extension of jurisdiction of State Board of Charities over local prisons and poorhouses might lead to good results."
Cornell. 1880. A. J. 103:20
- f "Present condition of county jails and poorhouses should be reformed without delay."
Cornell. 1881. A. J. 104:22
- g County jails and poorhouses. "Unless some legislative action be taken that will insure local reforms no adequate relief may be expected."
Cornell. 1882. A. J. 105:83

352**Discipline. Instruction**

- a Recommended that notice be given in public papers of the escape of criminals from state prisons. Jay. 1797. S. J. 20:87
Rewards for capture should be offered.
Jay. 1799. A. J. 22 pt 2:25
- b Recommended that prisoners who have escaped and been captured should serve term for jail breaking and also serve out original sentence.
Jay. 1799. A. J. 22 pt 2:25

- c Action recommended in regard to frequent escapes from state prisons. Jay. 1800. A. J. 24:196
- d Recommended that inspectors of the Auburn State Prison be authorized to furnish convicts with Bibles. Clinton, D. 1822. A. J. 45:765
- e "General complaints of inhumanity in management of our prisons... I trust you will bestow attention upon the defects of the system and I suggest that provision be made for the instruction of convicts and for supplying them with books." Seward. 1840. A. J. 63:13
 "The complaints... have ceased." Seward. 1841. A. J. 64:15
- f "Some improvement has been made in treatment of prisoners but more may be done... I would have the prison schoolroom fitted as carefully as the workshop or solitary cell..." Seward. 1841. A. J. 64:23
- g Communication relative to the Prison Discipline Society. Bouck. 1842. S. 250
- h "I suggest... allowing to convicts... some portion of their earnings as a reward of merit." Seymour. 1854. A. J. 77:19
 Clark. 1855. A. J. 78:14
 1856. A. J. 79:105
- i Convict labor. "If under a system by which the superintendent should directly employ the labor of the prisoners, provision should be made that a small portion of their earnings be laid aside for their benefit... the effect would be useful to them and to society." Hoffman. 1869. A. J. 92:20
- j "The chief officer of each prison should be clothed with the fullest discretionary powers in relation to the character and amount of punishment subject to the restriction that it be inflicted only in his presence." Hoffman. 1870. A. J. 93:16
- k "Legislation should secure to all inmates of these institutions the right of being visited by clergymen of the denomination which they prefer." Hill. 1885. A. J. 108:26

353 Commitment. Transportation. Transfer

- a "Management of all the prisons would be improved by transferring... convicts from Auburn and Sing Sing to Clinton." Hunt. 1852. A. J. 75:21
- b "Some amendment of law is needed to provide that each county pay the expense of transporting its own convicts." Morgan. 1860. A. J. 83:21 1861. A. J. 84:30
- c "Transfer of prisoners [from Elmira Reformatory] to state prisons should be made only for good cause and upon application to the court in which the person was convicted." Flower. 1894. A. J. 117:37-38, 2747-48

354 Convict labor

- a As state prison is crowded, it is recommended that at least a part of prisoners be employed in building new prison at Auburn, or forts or roads, canals and other improvements. Tompkins. 1816. A. J. 40:7-8

- b Convict labor act has not proved advantageous and may well be repealed. **Clinton, D.** 1822. A. J. 45:17
- c Prisons are now nearly self-supporting.
Clinton, D. 1828. A. J. 51:11 **Marcy.** 1834. A. J. 57:13
Throop. 1830. A. J. 53:13 1835. A. J. 58:20-21
 1832. A. J. 55:19
- d Under new law in regard to prison labor, prisons can not support themselves entirely. **Marcy.** 1836. A. J. 59:13-14
- e Complaint of unfair competition with prison labor and of association of released convicts with other mechanics after learning trades in prison. **Marcy.** 1835. A. J. 58:20-21 **Seward.** 1842. A. J. 65:13
- f Receipts from prison labor.
Marcy. 1837. A. J. 60:16 **Bouck.** 1843. A. J. 66:29-30
 1838. A. J. 61:24-25 1844. A. J. 67:27-28
- g It is probable that the act of 1842 will lessen the injurious competition of prison with free labor. It is necessary, however, that convicts be employed and that their work be productive.
Bouck. 1843. A. J. 66:30
- h Convict labor. **Seymour.** 1853. A. J. 76:17-18
- i Clinton prison. **Fenton.** 1865. A. J. 88:18
- j "With proper management the prisons of the state ought to be self-supporting. I recommend that a thorough inquiry be made with respect to their management to the end that such reforms may be accomplished as are necessary to produce the desired result."
Tilden. 1876. A. J. 99:31-32
- k "I hope that prompt action will result in the speedy passage of a law which in a businesslike way will limit to the lowest amount the increased taxation likely to follow from the change in the manner of employing convict labor." **Cleveland.** 1884. A. J. 107:378-81
- m "There should be established a state policy or system of convict employment." **Hill.** 1886. A. J. 109:23-25
- n "First subject recommended for consideration is the proper employment of convicts in the penal institutions."
Hill. 1888. A. J. 111:v.2, appendix 5
- p "Some permanent system for the employment of prison labor should be adopted." **Hill.** 1889. A. J. 112:22-23
- q "It is incumbent upon Legislature to enact laws which will give effect to the new provisions of the law which forbid the employment of convicts in competition with the labor and enterprise of the general public." **Morton.** 1896. A. J. 119:21-23
- r "This subject might be relieved by a system of industrial training, which in addition to the product made, would afford an occupation upon which the convict when relieved might rely."
Black. 1896. A. J. 120:17

355

State account system

- a The most favorable results from the industry of convicts has been attained where the inmates are employed directly by the agents of the state. Extension of this system to our other prisons would be attended with advantage to the convicts and profit to the state."
Fenton. 1868. A. J. 91:23-24 .

- b "Labor of convicts should be directed and employed entirely by prison superintendents and the products of such labor should be sold by them for the benefit of the state." **Hoffman.** 1869. A. J. 92:20

356

Contract and lease system

- a "The practice of letting convict labor to contractors . . . is subject to serious objections while the experiment now in operation at Clinton Prison gives ground for believing that this industry may be successfully utilized by the state." **Fenton.** 1867. A. J. 90:20-21
- b Advantages of contract system. **Cornell.** 1882. A. J. 105:1125-27
- c Contract system. **Cleveland.** 1884. A. J. 107:22
- d "Legislature should endeavor to provide a suitable and well perfected system to take the place of the contract system."
Hill. 1885. A. J. 108:17-19
- e "It would be unwise to attempt the restoration of the contract system or any system that is equivalent to it."
Hill. 1886. A. J. 109:24-25

358

Roads

- a "I recommend that the Superintendent of Prisons be properly authorized to employ some of the prisoners at Dannemora in road-building in the vicinity of the prison." **Flower.** 1893. A. J. 116:28-29

360

Special industries

- a Manufacture of silk is to be introduced into prisons.
Marcy. 1836. A. J. 59:13-14
- b "Efforts to introduce manufacture of silk into Auburn Prison have not been unsuccessful."
Seward. 1842. A. J. 65:16
- c "An agent has been appointed to explore mineral districts and inquire into the expediency of substituting labor in mines for present mode of employing convicts."
Seward. 1842. A. J. 65:1001
Bouck. 1843. A. J. 66:30
- d In accordance with act of 1842, a commissioner was appointed to report on practicability of employing convicts in mines, which mechanics are desirous of seeing done.
Bouck. 1844. A. J. 67:23-24
- e Influenced by complaint of mechanics in regard to competition with convict labor, a state prison is to be built in Clinton county, in iron region, for purpose of employing convicts in mining and manufacture of iron. **Wright.** 1845. A. J. 68:32-33 1846. A. J. 69:39-40
- f "I suggest the propriety of incorporating in all legislative bills making appropriations for the reconstruction or improvement of prison buildings, a provision that so far as possible the work shall be done by convict labor."
Flower. 1894. A. J. 117:37

361

Criminal insane

- a Case of Dan. Northrop of Saratoga county who has been convicted of murder and sentenced to death, but pronounced insane. Recommended that he be confined in asylum. **Tompkins.** 1816. A. J. 40:7

- b Recommended that insane criminals be transferred from State Prison to more suitable place. **Clinton, D.** 1818. S. J. 41:91
- c Need of authorizing State Prison to receive William Kirby, convicted of murder but judged insane. **Yates.** 1824. A. J. 47:14
- d Auburn convict insane asylum. **Morgan.** 1860. A. J. 83:20
- e Insane criminals. "There should be a separation of the convicted and the unconvicted classes." **Morton.** 1896. A. J. 119:23-24

363

System of sentencing and reform

- a Question raised whether certain criminal convictions affect civil rights and relations. **Jay.** 1798. A. J. 21:5 1799. A. J. 22 pt 2:25
- b "I recommend a modification of our criminal laws which will give judicial tribunals more power... with regard to the terms of confinement in prisons." **Seymour.** 1854. A. J. 77:20-21
- c "Such a classification of offenses and criminals as should prevent the association of the young... with hardened criminals," recommended. **Clark.** 1855. A. J. 78:12-13
- d "Greater discretionary power to judges in the graduation of penalties [might diminish the number of applications for pardons]. **Clark.** 1855. A. J. 78:14 1856. A. J. 79:106
- e "Wider latitude should be allowed criminal courts in the application of specific penalties to specific offenses." **King.** 1858. A. J. 81:130
- f "Greater discretion should be given to the courts in fixing terms of imprisonment for some classes of offenses." **Morgan.** 1859. A. J. 82:27
- g "For length of sentences and place of punishment far more discretion should be allowed to the judges. Reliance should be placed upon the certainty more than the duration of punishment." **Morgan.** 1860. A. J. 83:23
- h "I urge the Legislature to confer larger discretion upon the judges in fixing sentences." **Morgan.** 1861. A. J. 84:18
- i "Extreme penalties of the law are often inflicted for first offenses of every grade. Some steps should be taken to prevent this injustice." **Robinson.** 1878. A. J. 101:18
- j "I call your attention to the desirability of repealing the law which permits courts to send female felons of mature age to houses of refuge for a period of less than one year." **Roosevelt.** 1900. A. J. 123:43

366 Commutation of sentence

- a Recommended that prisoner's term be shortened by good behavior. **Seymour.** 1864. A. J. 87:12

370 Indeterminate sentence

- a "All prisoners sentenced for a first offense for felony save of course murder and arson [should] be sentenced to indeterminate terms." **Roosevelt.** 1900. A. J. 123:39
- b "Scope of the law permitting judges to fix indeterminate sentences should be broadened so as to be made mandatory in the case of conviction for a first offense for all crimes except those against the person." **Odell.** 1901. A. J. 124:33-34

371 Juvenile offenders*See also 2171, Children*

- a** Further legislation recommended in regard to youthful convicts between the ages of 16 and 20. **Hunt.** 1852. A. J. 75:19

371(5) Separate detention and trial

- a** Recommended that preliminary examination and trial of juvenile delinquents be conducted apart from that of hardened convicts and with a view to reformation. **Seward.** 1839. A. J. 62:15

373 Pardons

- a** Action recommended in case of John Bowman, 9 years old, convicted of murder and sentenced to death. **Tompkins.** 1812. A. J. 36:9
- b** Case of 2 persons convicted of murder. **Tompkins.** 1814. A. J. 37:9
- c** Case of Thomas Burk of New York, whose sentence of death for murder has been respited. **Tompkins.** 1816. A. J. 39:12
- d** "Propriety and expediency in some cases of commuting punishment of death for perpetual imprisonment by conditional pardons." **Tompkins.** 1816. A. J. 39:12
- e** On account of crowded condition of State Prison, many pardons are recommended by supreme judges and by inspectors, which would not otherwise be granted. **Tompkins.** 1816. A. J. 40:7
Clinton, D. 1819. A. J. 42:18
- f** Recommended that prisoners be divided into grades and pardons confined to highest grade, as incentive to reformation. **Clinton, D.** 1820. A. J. 43:14
- g** "Whenever pardoning power has been extended too far... the usefulness of penitentiary system has been impaired." **Clinton, D.** 1825. A. J. 48:19 1826. A. J. 49:14-15
- h** Reasons for granting pardons. **Throop.** 1830. A. J. 53:10 **Seward.** 1841. A. J. 64:15-16
1831. A. J. 54:21 **Young.** 1848. A. J. 71:25
- i** If imprisonment is ever to be substituted for death in all cases, the pardoning power must be guarded carefully. **Seward.** 1842. A. J. 65:13
- j** Regulations recommended as to manner of applying for pardons, which now are asked in almost all cases. **Fish.** 1849. A. J. 72:19 **Morgan.** 1860. A. J. 83:22-23
1850. A. J. 73:28 1861. A. J. 84:18-19
Hunt. 1852. A. J. 75:21 1862. A. J. 85:16
- k** "Relief to the executive might be had by appointment of an officer upon whom in connection with the executive should devolve the duty of examining cases presented for clemency." **Clark.** 1856. A. J. 79:106
- m** "Small annual appropriation should be made to provide for careful examination of the mental condition of convicts in case of application for pardon on ground of insanity." **Morgan.** 1860. A. J. 83:23
- n** Statistics of pardons granted, 1820-60. **Morgan.** 1861. A. J. 84:19
- p** "Pardoning power should be delegated to a cooperative bureau or so distributed as to relieve the governor of the sole responsibility of investigation." **Fenton.** 1867. A. J. 90:21
- q** "Clemency was placed in the keeping of the executive to aid in the administration of justice and not to prevent or defeat the just enforcement of the laws." **Cornell.** 1882. A. J. 105:84

375

CIVIL LAW

- a Importance of Civil Code reported by Code Commission.
Hoffman. 1869. A. J. 92:26

377

Property

[379

Real property

381

Tenure. Titles

382

Eminent domain. Condemnation proceedings

- a Recommended that ordinary magistrates be given greater power for making impressment of property for military uses.
Clinton, G: 1779. A. J. 2:48
- b "Propriety of legislative provision for execution of condemnation proceedings by foreign juries." Tompkins. 1813. A. J. 36:554
- c Objections to the exercise of the right of eminent domain.
Dix. 1874. A. J. 97:28-29

383

Escheat

- a Case of lands in Putnam county confiscated by state and sold to settlers, title now disputed by English claimants. Action by Legislature is recommended.
Clinton, D. 1826. A. J. 49:15
1827. A. J. 50:17
- b "Some general law should be enacted governing the release of escheated lands."
Hill. 1889. A. J. 112:1191-93

391

Rights of aliens

- a Attention called to claims of absentees and aliens to uncultivated lands, mischief done thereby and remedy needed.
Clinton, G: 1784. A. J. 8 pt 1:6
- b Suggested that general law, with certain restrictions, be enacted to enable resident aliens to hold and sell real estate.
Clinton, D. 1825. A. J. 48:21
- c "Disabilities in relation to acquisition and alienation of real estate by resident foreigners are a remnant of feudal principles... It is worthy of your consideration whether the time has not arrived for adoption of more liberal policy."
Seward. 1840. A. J. 63:16
- d In view of increased immigration it is again recommended that disabilities of aliens in buying, holding and selling real estate be removed.
Seward. 1842. A. J. 65:1004
- e "I advise the passage of a general law which will permit all aliens who are actual residents of this state to acquire, hold and convey real estate at their pleasure."
Morgan. 1859. A. J. 82:26
- f "I recommend removing all disabilities of aliens relating to the acquisition, possession and transmission of real estate."
Hoffman. 1872. A. J. 95:20-21
- g "It is submitted for your consideration whether the disabilities which forbid foreigners to take, hold and convey real estate should not be removed."
Dix. 1873. A. J. 96:24-25

392

Conveyance*See also 835, Tax on deeds*

- a "Propriety of facilitating sales of real estate."
Clinton, D. 1819. A. J. 42:20
- b "To obviate... evils it might be advisable to provide for proving deeds when the subscribing witnesses and grantors are dead or out of the state."
Clinton, D. 1827. A. J. 50:17
- c Advisable to appoint commissioners in other states to authenticate deeds when grantors and witnesses are out of the state.
Clinton, D. 1828. A. J. 51:13

393

Acknowledgments

- a "I recommend that provision be made for election of Commissioners of Deeds by the people."
Seward. 1840. A. J. 63:16
- b Office of Commissioner of Deeds has been abolished and duties have been given to justices of the peace, at reduced fees.
Seward. 1841. A. J. 64:22

396

Record

- a Recommended that provision be made for receiving and keeping documents of the Holland Land Company, original titles of New York land once owned by the company.
Seward. 1839. A. J. 62:528-29

405

Liens and mortgages

406

Foreclosure

- a "An exception in our statute, concerning foreclosure of mortgages, makes it necessary to resort to Court of Chancery to extinguish the equity of redemption of subsequent mortgages and judgment creditors ...I submit this grievance as subject of just complaint."
Seward, 1839. A. J. 62:18

422

Landlord and tenant

- a Recommended that law on quitrents be amended to allow tenant to acquire exoneration.
Jay. 1798. A. J. 21:5
- b Message regarding difficulties in manor of Rensselaerwyck.
Seward. 1839. S. 70
- c Report on troubles with ancient leases of Rensselaerwyck and recommendation of a measure to harmonize them with modern conditions.
Seward. 1840. A. J. 63:19
"The commissioners appointed... will soon submit a report."
Seward. 1841. A. J. 64:16
- d Riots between tenants and officers of law in Columbia and Rensselaer county have necessitated use of militia. Recommendations in regard to enforcement of law, paying expense incurred and settling troubles.
Wright. 1845. A. J. 68:42-49 1846. A. J. 69:13-21
- e Manor riots are now over, but the conditions which produced them should be considered and remedies applied.
Young. 1848. A. J. 71:26-30

- f Since doubt of legality of landlords' titles was an important cause of the manor riots the subject should be investigated and settled.

Young. 1848. A. J. 71:26-30

- g Perpetual leases to manorial land. Hunt. 1852. A. J. 75:25

- h Manorial lands: title of landlords. Seymour. 1853. A. J. 76:18-19
1854. A. J. 77:22

426

Administration of estates

See also 836, Inheritance taxes; 1698, Trust companies

429

Probate procedure

431

Probate of wills

- a "Propriety of facilitating the proving and recording of wills."
Clinton, D. 1819. A. J. 42:20 1825. A. J. 48:22

440

Administration

442

Management and settlement

- a "Propriety of altering law on subject of executors and administrators, by giving time to arrange their trusts before institution of suits."
Clinton, D. 1819. A. J. 42:20 1825. A. J. 48:22

449

Insolvency. Assignments

See also 523, Corporations; 1273, Railways; 1687, Banking; 1743, Insurance

- a Recommended that acts for relief in cases of insolvency be amended to give more publicity, preferably by publication in 1 or more papers of New York city. Lewis. 1805. A. J. 28:49
- b "Congress has assumed authority of passing an insolvent law... providing that a debtor, on his own application and without consent of his creditors may obtain discharge from all his debts... This law is demoralizing in its tendency and rests on the assumption of power not delegated to the federal government."
Bouck. 1843. A. J. 66:17
- c "I recommend an amendment to the general assignment act for the purpose of preventing unjust favoritism and an inequitable distribution of the debtor's property."
Hill. 1887. A. J. 110:14-15

450

Receivers

- a "I recommend a law forbidding the granting of injunctions or appointing of receivers in cases affecting moneyed and other corporations on ex parte applications."
Hoffman. 1870. A. J. 93:22

451

Homesteads. Exemption from execution

- a The act exempting household furniture and working tools and teams to value of \$150 is thought to have demoralizing effect as impairing the obligation of contracts. Bouck. 1843. A. J. 66:36-37
- b "I suggest an extension of the present exemption so as to exempt from sale upon execution the premises occupied as a homestead to a limited value."
Fish. 1850. A. J. 73:35

453

Contracts and other obligations

See also 835, Tax on deeds and contracts; 2113(5), Employment

454

Debtors

See also 735, Judgments

- a Recommended that acts for giving relief in case of absconding and absent debtors be amended to secure more publicity, preferably by publication in 1 or more papers of New York city.
Lewis. 1805. A. J. 28:49
- b Recommended that limitation be placed to imprisonment for debt, though obligation of contracts is not to be impaired.
Jay. 1799. A. J. 22 pt 2:25
- c "Our laws relative to imprisonment for debt should be carefully examined for purpose of amendment." Throop. 1831. A. J. 54:23-24
1832. A. J. 55:20
- d Change suggested in present unequal law of imprisonment for debt.
Clinton, D. 1818. A. J. 41:14
- e "Propriety of abrogating preferences in payment of debts."
Clinton, D. 1819. A. J. 42:20
- f Defects in law abolishing imprisonment for debt should be corrected.
Marcy. 1834. A. J. 57:12
- g "The imprisonment of nonresident debtors... operates injuriously to interests of trade."
Seward. 1840. A. J. 63:16
- h "The law which authorized imprisonment of nonresident debtors... was repealed last session... Imprisonment is now allowed only in actions in federal courts... If you think that no principle of federal union requires us to extend this courtesy, we shall no longer witness imprisonment for debt."
Seward. 1841. A. J. 64:24
- i Imprisonment for debt. "Laws regulating imprisonment on civil process should be thoroughly revised." Cornell. 1881. A. J. 104:25
- j "Outrages against personal liberty by imprisonment for debt are of frequent occurrence in New York city. These wrongs should be promptly corrected by careful amendment of the law."
Cornell. 1882. A. J. 105:84-85

460

Agency

- a "Mercantile interests are greatly aggrieved by law relative to merchants and agents."
Clinton, D. 1825. A. J. 48:21-22

461

Money. Interest. Usury

462

Money

- a Circulation of depreciated paper currency to be reduced by raising taxes, instead of by regulating prices by law.
Clinton, G: 1778. A. J. 2:4
- b Recommended that remedy for depreciation of paper currency be devised.
Clinton, G: 1779. A. J. 3:5
- c "Recommended that provision be made to prohibit issue and circulation of all bank notes under \$5, with view to introduce gold and silver."
Marcy. 1835. A. J. 58:22-24

Good effects of this law but need of enforcing it against bills from other states.

Marcy. 1837. A. J. 60:24

- d Recommended that individuals be not allowed to issue notes, though they may properly conduct other banking business.

Marcy. 1837. A. J. 60:21-22 1838. A. J. 61:13

- e "The law prohibiting banks from issuing bills less than \$5 is unwise... I therefore recommend an unconditional repeal."

Seward. 1839. A. J. 62:18

- f Business disturbances caused by improper paper currency issued by the states instead of by the United States. Need of reform of system of bank bills.

Seward. 1840. A. J. 63:21-23

- g "The law... concerning the redemption of bank notes has had beneficial effect."

Seward. 1841. A. J. 64:15

- h "If the federal government does not try to accomplish an early return to the use of gold and silver, it fails in its duty."

Hoffman. 1870. A. J. 93:27-32

- i Importance to state of United States financial policy.

Tilden. 1875. A. J. 98:32-33

- j "Restoration of specie payments demanded."

Tilden. 1876. A. J. 99:46-54

- k "I hope there will be wisdom enough at Washington to avoid hindering our present progress toward specie payment."

Robinson. 1878. A. J. 101:30-31

- m Advantages of resumption of specie payment.

Robinson. 1879. A. J. 102:34-35

- n "It is believed that the remedial process by which we are to be effectually relieved is to gather together at the earliest day possible by purchase or otherwise a sufficient amount of specie to enable us to declare our circulating paper redeemable in coin."

Dix. 1874. A. J. 97:29-32

- p Weakness of incontrovertible currency.

Tilden. 1875. A. J. 98:32-42

- q Necessity for resumption of specie payments.

Tilden. 1875. A. J. 98:40-42

- r "That panic [September 1869] would not have been possible but for our having in use as money something which lacking the intrinsic worth of the precious metals must depend upon the caprices of opinion for its current value."

Hoffman. 1870. A. J. 93:27-28

- s Causes of financial panic.

Dix. 1874. A. J. 97:29-32

- t Causes of monetary disturbances.

Cornell. 1882. A. J. 105:90

463

Interest. Usury

- a "Statute prohibiting usury and limiting interest is notoriously violated."

Jay. 1798. A. J. 21:6

- b Recommended that rate of interest be lowered.

Clinton, D. 1820. A. J. 44:14 1825. A. J. 48:21

- c Recommended that the penal clauses of the usury law be repealed, at least in regard to commercial paper maturing within 6 months, this modification of the law not to be extended to banks or other incorporated bodies, however.

Marcy. 1837. A. J. 60:23-24

- d "I recommend that the legal rate of interest be reduced to 6%." Bouck. 1844. A. J. 67:28
- e Usury. "I recommend a modification of the usury laws in certain cases." Seymour. 1854. A. J. 77:25
- f "A law against usury ... would be productive of salutary effects." Clark. 1855. A. J. 78:24-25
- g "Law which restrains corporations from pleading usury should be repealed." Clark. 1855. A. J. 78:25
- h "I suggest whether the time has not arrived to repeal the usury laws leaving the established rate of interest to apply to cases in which no contract or agreement has been made." Dix. 1873. A. J. 96:25
- i "Even if it were considered unwise to change the usury laws as applied to time loans there could hardly be doubt of the wisdom of modifying them so far as regards demand loans." Cornell. 1882. A. J. 105:90

468

Torts

471

Personal injury

- a "I recommend an amendment to the statute which limits the amount of recovery to \$5000 in the case of the death of a person caused by the negligence of another person or of a corporation, and increasing such amount to \$10,000." Hill. 1888. A. J. 111:16

474

Family

476

Marriage

- a "It is suggested that some motion should be made at this session toward a conference of representatives of all the states to consider the question of uniform marriage and divorce laws." Hill. 1889. A. J. 112:28

480

Divorce

489 Trials. Procedure

- a Divorce. "An amendment mandatory in its character should be enacted which would provide that the service of the summons in such an action should be proven before and the case heard by the trial judge in open court." Odell. 1901. A. J. 124:45

490

Family property

492

Dower

- a In view of numerous claims of dower by widows of attainted persons it is necessary to guard the treasury against improper or fraudulent claims. Clinton, G: 1802. A. J. 25:6

497

Children; adoption

- a Adoption law. "It would be unwise to enact a revolution of legal rules which would require a series of affirmative acts to produce the results which the people are accustomed to regard a matter of course." Tilden. 1875. A. J. 98:1212-14

500

Corporations

See also 1200, Transportation; 1679, Banking; 1732, Insurance

- a Recommended that principles be established by which turnpike companies shall in future be incorporated. **Lewis.** 1806. A. J. 29:9
- b Questioned whether corporations, other than literary or religious, have not increased to alarming extent. **Tompkins.** 1812. A. J. 35:8
- c "I recommend that you should abstain from granting charter privileges to be used in transacting business prosecuted by individuals, which can be conducted as well by them as by companies."
Marcy. 1836. A. J. 59:21
- d Under the new Constitution, general laws for the formation of corporations must be enacted. **Young.** 1847. A. J. 70:19-20
- e Reasons for providing for the incorporation of companies by general law, not by special legislation. **Morgan.** 1859. A. J. 82:1143-45
- f "I suggest that the Legislature authorize a joint committee of its members to investigate the subject of corporation laws and if possible to procure uniformity of legislation in neighboring states."
Flower. 1892. A. J. 115:17
- g "Our laws should be so drawn as to protect and encourage corporations which do their honest duty by the public, and to discriminate sharply against those organized in a spirit of mere greed."
Roosevelt. 1900. A. J. 123:19
- h Chief abuses noted. **Roosevelt.** 1900. A. J. 123:24-27
- i "In all cases where a corporation is created by special act a clause should be contained in the act requiring the filing and recording in the Secretary of State's office of a certified copy of such special act."
Roosevelt. 1900. A. J. 123:38-39
- j "I hope that the present Legislature will not adjourn without having enacted amendments which will liberalize and make more popular our corporation laws."
Odell. 1901. A. J. 124:21-22
- 506 **Liability of stockholders**
- a Discussion as to personal liability of stockholders for debts of corporations. **Young.** 1848. A. J. 71:22-24
- 507 **Supervision. Reports**
- a "It would be a most valuable protection to the people if other large corporations were obliged to report to some department their transactions and financial condition." **Cleveland.** 1884. A. J. 107:32-33
- b "Much can be done by amendment of the corporation laws so as to provide for such publicity as will not work injustice between business rivals."
Roosevelt. 1900. A. J. 123:23-27
- 509 **Capital. Shares. Debts. Property**
- a "A statute prohibiting the issue of shares of stock except upon the receipt by the corporation of their par value in cash and prohibiting the issue of bonds in excess of the amount of the capital of the corporation paid in cash, should be passed." **Hill.** 1886. A. J. 109:30
- b "I recommend an act limiting, regulating and restricting the power of corporations in the issue of stocks and bonds."
Hill. 1887. A. J. 110:17

515 Limit of property

- a "I can not approve of any law authorizing a corporation to hold real estate in this state [without limitation as to object or value]."

Clark. 1855. A. J. 78:1351

523 Dissolution. Insolvency

- a "Certain corporations can be dissolved by the action of their directors against the protest of their stockholders. Some limitation upon this power is needed."

Hill. 1885. A. J. 108:34

583 Corporations not for profit

See also 810, Exemptions from taxation; 1761, Fraternal societies; 1835, Agricultural societies; 2140, Charities

- a "Principal societies in New York devoted to science, literature and arts have been collected in a spacious edifice called the New York Institution... Such institutions are entitled to the countenance of government."

Clinton. D. 1818. A. J. 41:10

585 Property

- a "There should be one general act fixing the limit of the amount of property which this and other similar institutions [educational] may be permitted to hold."

Hill. 1889. A. J. 112:408

586 Religious corporations

- a Recommended that law for incorporation of religious bodies be amended to allow contracts with the minister to be assessed on members of the corporation and collected by public collector.

Jay. 1800. A. J. 24:6-7

589 Combinations and monopolies

- a Coal trust. "Have the people of this state any means of legislative relief against a monopoly of a natural and necessary product? The question is worthy of your earnest attention."

Flower. 1893. A. J. 116:30

590 Administration of justice**600 Courts**

- a Evils in administration of justice reported by Chancellor of Chancery Court.

Tompkins. 1812. A. J. 35:10

- b Arrangement and organization of the judiciary under the new Constitution.

Yates. 1823. A. J. 46:11-12
1824. A. J. 47:8

- c Attention called to radical defects of judiciary system.

Clinton. D. 1828. A. J. 51:13

- d "Our present judiciary establishment needs to be enlarged." Suggested that one or two Vice Chancellor's Courts in different parts of state would relieve Chancery and Supreme Courts, also that salaries of higher judges be raised.

Marcy. 1834. A. J. 57:11-12
1835. A. J. 58:12
1837. A. J. 60:11-12

- e "It is to be feared that the constitutional provisions relative to the judiciary will not permit it to be expanded to meet the public wants... Something must be done for the public relief."

Marcy. 1836. A. J. 59:10

- f Changes in the judiciary and in judicial procedure recommended by the commissioners appointed for the purpose.

Marcy. 1838. A. J. 61:8-9

- g Faults in the judicial system and changes suggested.

Seward. 1839. A. J. 62:16-18 1840. A. J. 63:17-18

Some progress made, specially in reducing fees in Court of Chancery, but much need of further reform.

Seward. 1841. A. J. 64:21-22

- h "The administration of justice has become more efficient."

Seward. 1842. A. J. 65:1001

- i "I would enlarge the present system so as to meet public wants."

Bouck. 1843. A. J. 66:31 1844. A. J. 67:12-13

- j Proposed that Constitution be amended to add 3 associate chancellors to the Court of Chancery and 2 justices to Supreme Court.

Wright. 1845. A. J. 68:40

- k Judiciary system is to be reorganized under the new Constitution.

Young. 1847. A. J. 70:11-14 1848. A. J. 71:30

- m "Present operations of the judicial system seem inadequate to the speedy administration of justice."

Fish. 1849. A. J. 72:22-23

- n Judiciary system: amendment of Constitution.

Fenton. 1867. A. J. 90:14-16

- p "In making appropriations for the judiciary a saving could be effected."

Odell. 1901. A. J. 124:27-28

605

Supreme courts

- a Court of Appeals: means to relieve the pressure of business.

Fenton. 1865. A. J. 88:16-17

- b Court of Appeals. "No appeals should be authorized to be taken to the highest court of the state from mere investigations or arbitrations."

Hill. 1885. A. J. 108:679-80

608 Judges

- a "Frequent changes in the judges of the Court of Appeals tend to prevent the dispatch of business with the necessary rapidity and certainty."

Morgan. 1860. A. J. 83:36

609

Intermediate courts

For officers and judges *see* 647-94. *See also* 373, Pardons; 855, Court of claims

- a Submitted to Legislature whether additional judge of Supreme Court of Judicature is necessary.

Clinton, G. 1789. A. J. 12:36

- b Judges of county courts or other responsible officers should be given power to appoint road commissioners and inspectors and issue tollgate licenses, with right of appeal from their decision.

Tompkins. 1816. A. J. 39:12

- c "Propriety of placing jurisdiction of courts of sessions, in the counties, on same footing as that of New York."

Clinton, D. 1819. A. J. 42:20

- d Report on special Circuit Court held in Niagara county, and extra expense thereof. **Throop.** 1831. A. J. 54:27-28
- e Repeal recommended of laws allowing judges of county courts to interfere with supervisors in appointment of commissioners of deeds, county treasurers and superintendents of the poor.
Seward. 1840. A. J. 63:16
- This has been done with good result. **Seward.** 1841. A. J. 64:22
- f "I recommend the subject of improving the Court of Common Pleas and reducing its expenses, for renewed action."
Bouck. 1844. A. J. 67:13-14
- g "County courts should have a more extended jurisdiction."
Hunt. 1851. A. J. 74:25
- h "I recommend the creation of an additional judicial district of the Spureme Court."
Clark. 1856. A. J. 79:113
- i Courts of record: revision of rules needed.
Hoffman. 1871. A. J. 94:50
- j "Two Legislatures having duly passed an amendment providing for the election of additional justices of the Supreme Court, it will be the duty of the present Legislature to provide for its submission to the people."
Hill. 1891. A. J. 114:16-17
- k "The new judiciary article requires the Legislature to divide the state into four judicial departments in each of which is to sit a branch of the new Appellate Division of the Supreme Court."
Morton. 1895. A. J. 118:19-20

645

Inferior courts

- a "Statutes for limiting number of magistrates, extending jurisdiction of inferior courts and restraining abuses in practice of law have been attended with salutary effects."
Clinton, D. 1819. A. J. 42:20
- b Recommended that towns be allowed to provide buildings for minor courts.
Clinton, D. 1825, A. J. 48:9

653

Justices of the peace

- a Complaint as to delay of trials in courts of justices of the peace in New York. Change recommended. **Lewis.** 1807. A. J. 30:7-8
- b Recommended that statute be amended to make it imperative on judges of county courts and supervisors to nominate specified number of justices for every town. **Yates.** 1823. A. J. 47:8
- c As mode of appointing justices has been found faulty, it is recommended that they be elected by the people.
Clinton, D. 1825. A. J. 48:9 1826. A. J. 49:16
- Results. **Clinton, D.** 1827. A. J. 50:11
- d "The jurisdiction of justices' courts has been extended to cover cases not involving over \$100... Jurisdiction was originally limited to £5 or \$12.50."
Seward. 1841. A. J. 64:22

653

Municipal and police courts

- a "I call the attention of Legislature to a need of the reorganization of the inferior criminal courts of New York city."
Morton. 1895. A. J. 118:1586-88

657

Court officers

- a Recommended that authority be given to compel testimony of witnesses in case of sheriff, clerk or register removed by Governor.
Clinton, D. 1826. A. J. 49:16
- b Recommended that ordering of a new election for clerk or sheriff by Governor within prescribed time be discretionary instead of mandatory.
Clinton, D. 1827. A. J. 50:17

659

Fees. Salaries

For fees and salaries of particular court officer *see* that head

- a Unwise practice of allowance of annual gratuities by Legislature to executive and judicial departments.
Jay. 1800. A. J. 23:5

668

Judges

- a Inadequate salaries of chancellor and judges of Supreme Court. Recommended that provision be made for them after retirement by age limit.
Jay. 1796. A. J. 19:6
- b As duties of the 5 judges of Supreme Court have for some time been performed by less number, adequate compensation is recommended.
Clinton, G. 1802. A. J. 25:6
- c Extra compensation for Supreme Court judges in New York city is warranted by increase of business.
Tompkins. 1808. A. J. 31:8
- d Recommended that inadequate salaries of Circuit Court judges be increased.
Van Buren. 1829. A. J. 52:18
- e Recommended that inadequate salary of chancellor and judges of Supreme Court be increased.
Van Buren. 1829. A. J. 52:18
- f In matter of charges against Judge Inglis of the Court of Common Pleas of New York city, the Governor holds that there are no grounds for his removal.
Seward. 1841. A. J. 64:50
- g "Every incumbent of a seat on the bench of the state should be provided with a commission under the seal of the state."
King. 1858. A. J. 81:130
- h "A continuance of some reasonable portion of the salary of a judge removed for physical disability during the balance of the term for which he was elected should be provided for."

Cornell. 1881. A. J. 104:25

669

Notary public

- a "It is my opinion that the number should be diminished rather than increased."
Cornell. 1880. A. J. 103:800-1
- b "I should be glad to approve a bill reducing the number of these officers and providing for their appointment by some local authority."
Cleveland. 1883. A. J. 106:724-25

675

Public prosecutor

- a Recommended that in absence of district attorney, court be authorized to appoint substitute and in cases involving life of prisoner, an assistant, to be paid in same way as district attorney.

Yates. 1823. A. J. 47:8

- b "I suggest that the allowance of fees to district attorneys for successful prosecution of indictments and the suing of forfeited recognizances would tend to strengthen the arm of justice."

Fenton. 1866. A. J. 89:19

- c "The legal expenses could be greatly reduced if the compensation of the attorneys was fixed by statute on a percentage basis rather than left to the discretion of the Comptroller."

Odell. 1901. A. J. 124:20-21

691

Sheriff

- a The armed and disguised men who murdered the sheriff of Columbia county have been arrested by the cooperation of neighboring states, at the Governor's request.

Clinton, G: 1792. A. J. 14:6

695

Civil procedure

See also 489, Divorce

- a Improvements in administration of civil and criminal justice.
Clinton, D. 1820. A. J. 43:14
- b "Such further legislation should take place as is necessary to provide that civil remedies...should be prosecuted under a general method of procedure."
Seymour. 1853. A. J. 76:20
- c "I recommend the repeal of the partial code which went into effect on the 1st of September and the reenactment of the code which was in force up to this date to be amended from time to time."
Robinson. 1878. A. J. 101:29
- d New code. "I recommend that you refuse to pass it."
Robinson. 1879. A. J. 102:30

699

Commencement of action

703

Place of action. Jurisdiction

See also 605-55, Special courts

- a Need of amending act relative to trial of causes to amount of £10.
Jay. 1800. A. J. 23:6

705

Summons. Process

- a Report on the calling out of militia to protect the sheriff of Albany county, in executing process of the Supreme Court in regard to rents of Rensselaerwyck.
Seward. 1840. A. J. 63:18-19

717

Evidence. Witnesses

See also 246, Perjury

- a "To declare by statute that the testimony of no person without qualification who has witnessed the commission of an offense or is knowing to any circumstance connected therewith shall be received in evidence because he has lodged information of the crime committed is a violent and dangerous presumption."

Cornell. 1881. A. J. 104:1928-29

723

Oaths

- a Statute regarding oaths is pleasing to those citizens who have scruples against them. It is hoped that this principle will be maintained. Clinton, D. 1822. A. J. 45:15

735

Judgments

- a "A law passed requiring judgments designed to affect real estate to be docketed in county where situated. This has relieved alienation of onerous charges and inconvenience." Seward. 1841. A. J. 64:22

738

Court funds

- a Recommended that sums of money above a certain amount, brought into Court of Chancery or Supreme Court to await issue of suit, shall be deposited in New York or Albany banks, subject to order of court. Jay. 1799. A. J. 22 pt 2:25

739

Special actions

749

Injunction

- a Injunction restrictions suggested: (1) no injunction to be granted ex parte; (2) no injunction to be granted except where injury would be irreparable or when apprehended wrongdoer was insolvent; (3) security be required for payment of damages in case the process be improperly obtained. King. 1858. A. J. 81:129
- b "I recommend a law forbidding the granting of injunctions or the appointing of receivers in cases affecting moneyed and other corporations on ex parte applications." Hoffman. 1870. A. J. 93:22

750

ADMINISTRATIVE LAW

770

Finance. Public property

See also 2237, School finance; 2550, Local finance

772

Domain. Property

774

Public lands

See also 2240, School lands

- a Recommended that law for raising troops by bounties of unappropriated lands be revised and small additional money bounty be granted, to secure recruits. Clinton, G: 1781. A. J. 5:5
- b Survey of waste lands has been completed and grants of those allotted as bounty to troops may be issued. Clinton, G: 1790. A. J. 13, pt 2:3
- c Product from sale of waste lands is deemed sufficient for government expenses. Clinton, G: 1792. A. J. 14:6

- d Recommended that law establishing Land Office commissioners be amended to exempt the Governor from membership.
Clinton, G: 1802. A. J. 25:184
- e Removal of intruders on public land in Niagara river.
Clinton, D. 1820. A. J. 43:51 1822. A. J. 45:15
- f Recommended that state buy the rights of the Holland Land Company and of Messrs Willenks of Amsterdam.
Clinton, D. 1820. A. J. 43:581
- g "The public wealth has been augmented by a virtual restoration to the state of its share of the national domain... It yields annual revenue of about \$200,000."
Seward. 1842. A. J. 65:28-29

776

Sale. Settlement

- a Public lands to be sold to pay interest and principal of public debt, also to hasten settlement of state by immigration.
Clinton, G: 1784. A. J. 7:6
- b Product from sale of waste lands is deemed sufficient for government expenses.
Clinton, G: 1792. A. J. 14:6
- c Need of promoting settlement of Niagara river lands and preventing waste and intrusion on public lands in general.
Clinton, G: 1803. A. J. 26:7-8
- d Lands reserved for military purposes may be sold to pay for 2 new arsenals, 1 in middle district and 1 in western.
Clinton, G: 1804. A. J. 27:6
- e Recommended that Legislature consider whether mode of selling public lands may not be improved. Clinton, G: 1804. A. J. 27:7
- f Recommended that New York join other states in asking Congress to set apart public lands for education fund.
Clinton, D. 1822. A. J. 45:13
- g Recommended that Legislature ask Congress to give revenue of lands sold, to carry on internal improvements in the several states.
Seward. 1841. A. J. 64:35-39
- h "It is the duty of government, in disposing of its public domain, to confine sales as far as practicable, to small parcels and actual settlers."
Young. 1848. A. J. 71:30

777

Deeds. Titles

- a "Commissioners have been associated with Attorney General to act in regard to claims on lands in Putnam county, also in St Regis reservation." Clinton, D. 1879. A. J. 42:20 Throop. 1830. A. J. 53:27
1831. A. J. 54:26

778

Tide, shore and swamp lands

- a Question of reclaiming Cayuga marshes.
Clinton, D. 1825. A. J. 48:18-19
- b "I call your attention to the desirability of allowing the commissioners of the Land Office to grant leases with power of renewal for riparian lands."
Roosevelt. 1900. A. J. 123:43

779 Buildings. Property and supplies

780 Buildings and grounds

- a Recommended that Legislature provide for care of public buildings.
Clinton, G: 1802. A. J. 25:42
- b "I suggest that engineers and architects be required to deposit in the archives their plans, maps, estimates and models of canals, railroads and public edifices."
Seward. 1842. A. J. 65:11
- c Public buildings, cost and construction: State Capitol, Hudson River State Hospital, Homoeopathic Asylum, State Reformatory, Buffalo State Asylum.
Dix. 1874. A. J. 97:33
- d "I can not see the propriety of reducing a large body of taxpayers to pauperism for the purpose of building gorgeous palaces in which other paupers are to be supported at public expense."
Robinson. 1877. A. J. 100:17-18
- e Public buildings at Albany. "The act to center in one person the care and maintenance of this property was eminently wise."
Cleveland. 1884. A. J. 107:37
- f "The plans and specifications for all buildings of this character should be carefully prepared and sufficiently in detail to insure the erection and completion of the building furnished and equipped and within the amount appropriated therefor."
Morton. 1895. A. J. 118:876-79

781 Capitol

- a Recommended that the Government House be repaired.
Jay. 1796. A. J. 19:38
- b Report on furniture of Government House, brought to Albany.
Clinton, G: 1802. A. J. 25:42
- c Report in regard to the Capitol contemplated.
Clinton, D. 1818. A. J. 41:141
- d "The new State Hall has been completed."
Seward. 1842. A. J. 65:11

781(5) New capitol

- a "I recommend the appropriation of an amount sufficient to commence and carry forward the undertaking in the manner contemplated by law."
Fenton. 1866. A. J. 89:368-69
- a1 "This enterprise should be promptly and successfully prosecuted. To this end I recommend that an appropriation be made."
Fenton. 1867. A. J. 90:21
- b Site fixed.
Hoffman. 1869. A. J. 92:24
- b1 "I recommend that provision be made for carrying on this work during the coming year."
Hoffman. 1870. A. J. 93:19-20
- b2 "I recommend that the work be suspended at least until our war bounty is paid, unless the plans can be so modified as to insure that the cost will be not much in excess of the original limit—\$4,000,000."
Hoffman. 1871. A. J. 94:13-14
- b3 Cost to date.
Hoffman. 1872. A. J. 95:13

- c Estimate for completion. "Increased cost has been caused by changes in plan but in a far greater degree by understating the necessary expenditure in the original estimates." **Dix.** 1874. A. J. 97:33-35
- d Cost to June 20, 1875. **Tilden.** 1876. A. J. 99:27-28
- d1 "The details have not been worked out with such thoroughness and certainty as to afford any guide as to the amount which will probably be required for the completion of the building. What that cost will be ought to be ascertained with all the certainty attainable." **Tilden.** 1876. A. J. 99:28-29
- e Cost. "Discouraging to contemplate its completion in view of the enormous annual cost of heating, lighting, cleaning." **Robinson.** 1877. A. J. 100:17
- e1 "I recommend that henceforth the work proceed by the completion of certain sections which may be brought into use instead of spreading the expenditures over the whole building." **Robinson.** 1878. A. J. 101:31-32
- e2 Removal of Legislature to quarters in new Capitol. **Robinson.** 1879. A. J. 102:15
- e3 "I recommend that the Legislature should consider (1) whether any appropriation shall be made at this session; (2) whether a simpler, cheaper and less ambitious style of finish ought not to be adopted." **Robinson.** 1879. A. J. 102:24-25
- e4 Appropriations. "There is no proper legal audit of these expenditures exercised by any financial officer." **Robinson.** 1879. A. J. 102:25-26
- f Total cost. **Cornell.** 1880. A. J. 103:19
- f1 Progress of construction. **Cornell.** 1880. A. J. 103:19
1881. A. J. 104:20
1882. A. J. 105:76-77
- f2 Location of departments. **Cornell.** 1882. A. J. 105:76-77
- f3 "Provision should be made for the improvement of the Capitol grounds." **Cornell.** 1882. A. J. 105:77
- g Total cost 1882. **Cleveland.** 1883. A. J. 106:23-24
- g1 Progress of construction. **Cleveland.** 1883. A. J. 106:23-24
- g2 Progress of construction. "There should be no interruption in the work so completely systematized." **Cleveland.** 1884. A. J. 107:35-37
- h "Should be completed at the earliest possible date." **Hill.** 1885. A. J. 108:29-30
- i Sanitary condition. "I recommend an appropriation of \$20,000 for replumbing and draining that portion of the building dangerous to health." **Flower.** 1894. A. J. 117:1602-3
- j "I suggest that the Legislature procure specifications of the work necessary to complete the building together with estimates as to cost, with the view that the work be completed by contract." **Morton.** 1895. A. J. 118:19
- j1 Progress of construction: nearing completion. **Morton.** 1896. A. J. 119:33-34

- k "This building ought to be finished at once. The work should be done by contract and sufficient money appropriated to pay for it."

Black. 1897. A. J. 120:20-21

- kr "The structure will be completed before the 1st of next October."

Black. 1898. A. J. 121:22

783 State architect

- a "The most effectual method of guarding against defective estimates of cost and changes of plan involving additional expenditure is to place the construction of all buildings to be erected at the expense of the state under a single superintending architect."

Dix. 1874. A. J. 97:33-35

- b Valuable service to state.

Roosevelt. 1900. A. J. 123:45

793 Public works

- a Public works; drain on state finances.

Seymour. 1853. A. J. 23-25

795 State departments

- a Urging early appointment of Superintendent of Public Works.

Robinson. 1877. A. 88

- b "Constitution amended to provide for the appointment by Governor and Senate of a Superintendent of Public Works with all the powers of the canal commissioners."

Robinson. 1877. A. J. 100:17

798 State parks

See also 1894. Forest preserve; 2369. Scenic and historic places

- a Niagara Falls. "An international park should be established enclosing a suitable space on each side of the river from which all annoyances and vexations of sharpers, hucksters etc. should be excluded."

Robinson. 1879. A. J. 102:29

Report of reservation commission.

Cleveland. 1884. A. J. 107:41-42

- b Recommends measures for preserving the Palisades.

Morton. 1896. A. J. 119:31-32

Roosevelt. 1900. A. J. 123:47, 98

- c Plans for the Palisades Interstate park.

Odell. 1901. A. J. 124:39-40

800 Taxation (general)

See also 2713. Road taxes

- a Internal duties and excises, marine passes and duty on vendue sales are to be established for payment of interest and principal of public debt.

Clinton, G: 1784. A. J. 7:6

- b Recommended that rules and regulations as to taxation be adopted in anticipation of probable need.

Jay. 1796. A. J. 20:6

- c Question raised whether taxation system ought not to be revised.

Clinton, G: 1802. A. J. 25:5

- d Revenue is adequate for all purposes and it is anticipated that all claims against the state may be extinguished without taxes.
Clinton, G: 1804. A. J. 27:7
- e Deficiency in state revenues may be made up by lottery.
Lewis. 1806. A. J. 29:9
- f A much greater public revenue may be raised annually by lotteries already authorized by law.
Clinton, D. 1818. A. J. 41:11
- g Recommended that lottery law be amended to keep out tickets of other states and produce greatest possible revenue without injuring community.
Clinton, D. 1818. S. J. 41:108
- h "One of the most pernicious ways of raising revenue is by establishment of lotteries... It is hoped that after existing grants are satisfied this will be entirely abandoned."
Clinton, D. 1820. A. J. 44:14
- i Taxation necessary to replenish treasury, depleted by public works. Throop. 1831. A. J. 54:11-13 Marcy. 1835 A. J. 58:15-16
1832. A. J. 55:13-14 1836. A. J. 59:15-18
- j To meet deficiencies, a state tax of 1 mill on the dollar on real and personal estate was imposed. This was approved by the people but should not be regarded as permanent measure of finance.
Bouck. 1843. A. J. 66:23 1844. A. J. 67:16
- k Statement of land and personal property with taxes on each.
Bouck. 1844. A. J. 67:19
- m Direct taxation for canal expenses. Hunt. 1851. A. J. 74:16
- n "I recommend that recourse be had to direct taxation in such measure and with such apportionment as will render it least onerous to the people, while fulfilling the end."
King. 1858. A. J. 81:124
- p Direct tax on real estate for support of United States government.
Morgan. 1862. A. J. 85: 24-25
- q "The burdens of taxation should bear equally as may be upon the two great classes of property, real and personal."
Fenton. 1867. A. J. 90:17
- r "Congress should reduce and readjust the taxes so as to have them fall where they would be least felt, most readily paid and most easily collected."
Fenton. 1868. A. J. 91:14
- s "It would be a dangerous innovation for the state to delegate any portion of its taxing power to a private corporation."
Tilden. 1875. A. J. 98: 1674-75
- t "Necessity of a revision of the laws relative to assessment and taxation still exists. Some comprehensive and practicable measure should be embodied in the statutes of the state distributing the expenses of government both local and general among all property owners."
Cornell. 1882. A. J. 105:69
- u "New methods of raising revenue should be devised in order to relieve the people from the burdens of increased direct taxation."
Hill. 1887. A. J. 110:19
- v "I recommend the Legislature to devise ways and means for the enlargement of the field of direct taxation."
Morton. 1895. A. J. 118:16

- w Importance and difficulty of problem. Roosevelt. 1899. A. J. 122:16
 x Suggestions for reform. Roosevelt. 1900. A. J. 123:18-20

803 Temporary commissions and special investigations

- a Report of special revision commission (David A. Wells, George W. Cuyler, Edwin Dodge). Hoffman. 1872. A. J. 95:23-25
 b "Subject of revision of the laws for the assessment of property as a basis of taxation should be placed in the hands of a commission fairly representing the agricultural, commercial and other material interests of the state to perfect a plan for the consideration of the next Legislature." Cornell. 1880. A. J. 103:14
 c "Some agency should be created which will consider the subject of taxation and report to you or your successors some scheme to correct the present evil." Black. 1898. A. J. 121:34-35
 d "I recommend that you create a joint committee of the Senate and Assembly to investigate the subject in full and to report to the next Legislature a proper scheme of taxation." Roosevelt. 1899. A. J. 122:1885-87

808 Taxation of personal property

See also 823, Assessment

- a Recommended that tax laws be changed to distribute burden more evenly and reach personal property more effectually. Fish. 1849. A. J. 72:19-20
 b "The whole property of the state, personal as well as real should be made to pay its due share of the cost of government." Morgan. 1862. A. J. 85:15
 c "Both real and personal property should be placed upon the same footing by abolishing in all cases any deduction for debts." Cleveland. 1884. A. J. 107:13-14
 d "Some new system of assessment and taxation must be adopted to impose upon personal property its equitable share of taxation." Hill. 1890. A. J. 113:43-44

809 Money and securities

- a "Tax on mortgages of real estate not only prevents the introduction of capital from abroad but is rapidly expelling our own heretofore loaned on such security." Dix. 1873. A. J. 96:26
 b "I should recommend exempting mortgages entirely from taxation." Odell. 1901. A. J. 124:29-30

810 Exemptions from general property tax

812 Charitable, educational and religious institutions and societies

- a "They [churches, schools and hospitals] should not be discouraged by the imposition of burdens from which they have hitherto been exempt." Robinson. 1877. A. J. 100:25

819

Assessment

- a Necessity of estimating taxable property through state and making new laws for this purpose. Clinton, G. 1784. A. J. 8 pt 1:6
- b Recommended that inequalities in assessment of taxes be remedied. Jay. 1800. A. J. 24:5
- c "Some uniform system in making assessments should be adopted, applicable to every county." Bouck. 1843. A. J. 66:28
- d Revision of assessment laws. Hunt. 1852. A. J. 75:14
- e "Measures should be adopted for the correction and equalization of the valuations of both real and personal estate." Morgan. 1859. A. J. 82:26
- f Assessment. Fenton. 1868. A. J. 91:11-13
- g "Method of assessment is defective." Fenton. 1868. A. J. 91:15
- h "Existing laws for the valuation of property and the assessment of taxes are unequal, unjust and ineffective." Dix. 1873. A. J. 96:25-26
- i "Efforts of assessors should be not so much to increase valuation as to produce a just and equitable distribution of the burdens of taxation." Robinson. 1877. A. J. 100:23
- j "Taxes should be fairly and impartially assessed. The present laws are so defective that a portion of the taxpayers are permitted to escape their just proportion of the public charges." Cornell. 1881. A. J. 104:15

820

Real estate

- a "Taxes on unimproved woodland are so unequally assessed and wastefully collected as to require legislative interposition." Jay. 1798. A. J. 21:6
- b Assessment of real estate; equalization. Morgan. 1860. A. J. 83:25
- c "There should be a revision of the existing laws on the subject." Morgan. 1861. A. J. 84:25

823

Personal property

- a Fish. 1850. A. J. 73:27 Hunt. 1851. A. J. 74:26 1852. A. J. 75:15
- b "The process of requiring tax-paying inhabitants in some of the states to make oath as to the nature, amount and worth of their estates has proved successful and it would seem to furnish the remedy for the defects of our system." Fenton. 1866. A. J. 89:15-16
- c Assessment of personal property in New York compared with other states. Fenton. 1868. A. J. 91:15
- d "Laws should provide for specific returns of all taxable property. . . It might be advisable to provide for a commission to investigate the subject and to report with such recommendations as may be deemed advisable." Fenton. 1868. A. J. 91:15-16
- e "One great defect in the assessment laws is their failure to reach personal property." Cornell. 1882. A. J. 105:69
- f "Personal property escapes its fair proportion of the expense incident to its protection and preservation." Cleveland. 1883. A. J. 106:12-13
- g "Statutes governing the appraisement and assessment of personal property are defective." Hill. 1886. A. J. 109:16-17

- h "Real and personal property should be placed on an equal footing for all purposes of taxation." Hill. 1886. A. J. 109:16-18
- i Inequalities in taxation of personal property. Hill. 1887. A. J. 110:19-20

827

Collection

- a Revision of tax laws, specially in regard to mode of collection, recommended in view of arrearages. Clinton, G: 1782. S. J. 6:80
- b Attention again called to need of revision of tax laws. Clinton, G: 1783. S. J. 6:98

829

Delinquent taxes. Tax sales. Redemption

- a Recommended that laws be enacted for seizure of property of persons indebted to United States and refusing to pay. Clinton, G: 1779. A. J. 2:46
- b Recommended that measures be adopted to collect arrears of taxes and to raise rates enough to make up for depreciation of paper money since taxes were due. Clinton, G: 1781. A. J. 5:4
- c As hardships have been suffered from sales of land for unpaid taxes, without knowledge of owner, it is recommended that sales be held in the respective counties. Fish. 1849. A. J. 72:19
- d "Practice of granting applications to extend the time for the collection of taxes ought to be discontinued." Morgan. 1859. A. J. 82:26, 451-60
- e "Public interests require a denial of applications for extension of time for the payment of taxes." Morgan. 1861. A. J. 84:17

830

Income tax

- a Constitutionality of income tax. Morgan. 1862. A. J. 85:25-26

835

Tax on deeds and contracts. Fees

- a Suggested that certain fees on lucrative commissions and grants would defray expenses of secretary's office. Clinton, G: 1802. A. J. 25:6

836

Inheritance taxes

- a "Desirability of a general law which shall operate uniformly upon all institutions entitled to exemption from taxation of devises and bequests to them." Hill. 1889. A. J. 112:1190-91
- b "It is suggested whether a satisfactory solution of the problem of taxing personal property may not be found in a graduated probate and succession tax upon the personal property of decedents developing into a complete system the theory of the collateral inheritance tax." Hill. 1890. A. J. 113:43-44
- c "Method of taxing personal property may be found in the plan of a graduated probate and succession tax upon the personal property of decedents." Hill. 1891. A. J. 114:17-20
- d "I recommend that in all counties where there are now official appraisers the collection of taxes be transferred to the State Comptroller

and in all other counties the county treasurer be made the official appraiser for such counties." Odell. 1901. A. J. 124:21

841

Corporation taxes

- a "New sources of revenue." Cornell. 1881. A. J. 104:15
- b "Effective results will follow judicious amendment of the laws taxing corporations." Cornell. 1882. A. J. 105:70
- c Income from taxation of corporations. Hill. 1887. A. J. 110:18
- d "I recommend a financial measure providing for the taxation of the indebtedness of corporations, joint stock companies and associations represented in the script bonds or certificates of indebtedness issued by such bodies." Hill. 1888. A. J. 111:15
- e "A corporation which derives its powers from the state should pay to the state a just percentage of its earnings." Roosevelt. 1899. A. J. 122:apx. p. 5-10
- f "To tax corporations in such a way as to drive them out of the state works great damage to the state." Roosevelt. 1899. A. J. 122:1885-86
- g Foreign corporations. "This calls for legislation which shall provide in a broad and fair spirit for taxing foreign capital in this state whether in corporate or individual form." Roosevelt. 1900. A. J. 123:18-19
- h "An entirely new system should be framed to meet existing conditions." Odell. 1901. A. J. 124:29

843

Banking institutions

See also 1670, Banking

- a "Taxing the whole surplus of the banks in addition to their capital is neither equal justice nor sound policy." Robinson. 1877. A. J. 100:24
- b "Surplus of savings banks and insurance companies should be taxed at the rate of 1%." Odell. 1901. A. J. 124:29-30
- c "Trust companies and banks should pay a tax upon their capital to the state." Odell. 1901. A. J. 124:29-30

844

Insurance companies

See also 1732, Insurance

- a "Surplus of savings banks and insurance companies should be taxed at rate of 1%." Odell. 1901. A. J. 124:29-30

845

Transportation and transmission companies

See also 1200, Transportation; 1283, Exemption of railroads

- a "I recommend as an equivalent for reestablishing the tolls on freight that railroad companies paying such tolls be permitted to make such equitable increase in passenger rates as the Legislature may authorize." King. 1858. A. J. 81:122-23
- b "I can not doubt the wisdom or justice of reimposing for a few years a moderate rate per ton during the season of navigation upon all freight passing over railroads competing with canals." Morgan. 1860. A. J. 83:18, 465-70
1861. A. J. 84:15-16

- c "I suggest whether a wise solution of the problem is not to be found in a careful scheme of municipal compensation, based upon future earnings rather than upon present estimated and uncertain values."
Flower. 1892. A. J. 115:832-34
- d Franchise tax. "I recommend the enactment of a law which shall tax franchises as realty, which shall provide for the assessment of the tax by the Board of State Tax Commissioners and which shall provide that from the tax thus levied shall be deducted the taxes now paid by the corporation in question."
Roosevelt. 1899. A. J. 122:apx. p. 5-10
- e Franchise tax. "Corporations owning valuable public franchises must pay their full and proper share of the public burdens."
Roosevelt. 1900. A. J. 123:20-21
- f Method of assessment of franchise tax. Odell. 1901. A. J. 124:28

847

Customs

- a Recommended that state vest Congress with power to levy duties on imported goods and on prizes and prize goods, for discharge of national debts.
Clinton, G: 1781. A. J. 4 pt 2:39

849

Budget

See also 2575, Local finance

- a Recommended that state quota of \$15,000,000 and \$6,000,000 afterward annually for national sinking fund be raised.
Clinton, G: 1779. A. J. 2:46
- b Recommended that provision be made for incidental expenses of state, as governor can not longer make advances from his private means.
Clinton, G: 1781. A. J. 5:45
- c Recommended that appropriation be made for current national expense and interest on debt.
Clinton, G: 1783. S. J. 6:97
- d Product of sales of waste lands is deemed sufficient for government expenses.
Clinton, G: 1792. A. J. 14:6
- e General view of state finance, including funds, war debts, taxes, lands and tolls.
Clinton, D. 1818. A. J. 41:10-11
- f Favorable condition of treasury.
Clinton, D. 1820. A. J. 43:10
- g Relative to expense incurred in reception of La Fayette.
Clinton, D. 1826. A. J. 49:1164
- h Revenues from canals, auctions and salt manufacture have all decreased. Seward. 1842. A. J. 65:1004 Bouck. 1843. A. J. 66:27
- i "The state of the treasury and severity of the times demand that every department of public service be placed on rigid principles of economy."
Bouck. 1843. A. J. 66:27
- j "There should be a reduction in the expenses of government, owing to hard times."
Bouck. 1844. A. J. 67:28
Seymour. 1853. A. J. 76:23-36
- k "System of economy and retrenchment should be continued."
Morgan. 1860. A. J. 83:16

- m "Too large a portion of the whole net earnings of industry is taken for the purpose of carrying on government in this country."
Tilden. 1875. A. J. 98:42-43
- n "Failure to keep the appropriations down to the taxes levied has led to deficiencies in the treasury and to violations of the sinking funds. We can not too vigilantly guard against a recurrence of these evils."
Tilden. 1876. A. J. 99:16-17
- p "It is one of the evils of unsystematic legislation and administration that expenditures exceed appropriations and appropriations exceed taxes."
Tilden. 1876. A. J. 99:19-20
- q Extravagance in federal expenditure. Tilden. 1876. A. J. 99:40-46
- r "Only relief from heavy taxation will be found in cutting off all unnecessary expense."
Robinson. 1878. A. J. 101:14
- s "Sound policy dictates that appropriations be confined to legitimate expenditures and the completion of public works now in progress."
Cornell. 1882. A. J. 105:69
- t "Average rate of taxation is steadily increasing and requires on the part of Legislature and all state officials the utmost economy."
Hill. 1886. A. J. 109:13-14
- u "Wise economy in all departments of the state government is imperatively demanded."
Hill. 1887. A. J. 110:18
- v "I recommend that a committee be appointed in such manner as may seem to the Legislature wise, fully authorized and empowered to investigate and report the expense of carrying on the various departments of the state, and that such committee be authorized after due investigation to report such remedial measures to the Legislature as may seem proper."
Morton. 1895. A. J. 118:18-19
- w "Necessity for the strictest economy in the appropriation of public money."
Morton. 1896. A. J. 119:144-46
- x Suggestions for reduction of state expenses.
Roosevelt. 1899. A. J. 122:28
- y State receipts and expenditures.
Fish. 1850. A. J. 73:22-23 Robinson. 1879. A. J. 102:15-16
Hunt. 1851. A. J. 74:11-12 Cornell. 1880. A. J. 103:13-14
1852. A. J. 75:13-15 1881. A. J. 104:12-14
Seymour. 1853. A. J. 76:34-36 1882. A. J. 105:67-68
1854. A. J. 77:32-33 Cleveland. 1883. A. J. 106:12
Clark. 1855. A. J. 78:10-11 1884. A. J. 107:12
1856. A. J. 79:97 Hill. 1886. A. J. 109:12-13
King. 1857. A. J. 80:10-12 1887. A. J. 110:17-18
Morgan. 1861. A. J. 84:11 1888. A. J. 111:24
Seymour. 1864. A. J. 87:14 1889. A. J. 112:14
Fenton. 1866. A. J. 89:15 1890. A. J. 113:46-47
Hoffman. 1869. A. J. 92:13 1891. A. J. 114:28
1870. A. J. 93:12-13 Flower. 1892. A. J. 115:16-17
Dix. 1873. A. J. 96:10 1893. A. J. 116:13-14
1874. A. J. 97:11 1894. A. J. 117:17
Tilden. 1875. A. J. 98:14 Morton. 1896. A. J. 119:16-18
Robinson. 1877. A. J. 100:12-13 Black. 1897. A. J. 120:16
1878. A. J. 101:13-14 1898. A. J. 121:17-18
Odell. 1901. A. J. 124:19-21

851 Appropriation. Limit of expenditure

- a "Some constitutional checks should be adopted against creation of a debt or expenditure of public money for any purpose beyond ordinary operations of government." Bouck. 1844. A. J. 67:13
- b "No appropriation of money should be made without providing simultaneously the means of payment." Dix. 1873. A. J. 96:11
- c "I recommend the passage of a general law authorizing and requiring the Comptroller whenever in any year an appropriation by the Legislature shall exceed the amount of the revenue applicable to it to provide for such deficiency by adding it to the tax levy." Dix. 1873. A. J. 96:11
- d Appropriations 1875. Tilden. 1876. A. J. 99:15-16
- e "The appropriations should be for a specific sum and the taxes adjusted to provide that amount." Tilden. 1876. A. J. 99:35
- f State tax levy.
 Morgan. 1859. A. J. 82:15 Dix. 1873. A. J. 96:13
 Seymour. 1864. A. J. 87:14 1874. A. J. 97:12
 Fenton. 1866. A. J. 89:15 Tilden. 1876. A. J. 99:15
 Hoffman. 1869. A. J. 92:14 Robinson. 1879. A. J. 102:17
 1870. A. J. 93:13 Cornell. 1882. A. J. 105:69
 1871. A. J. 94:13 Hill. 1886. A. J. 106:13
 1872. A. J. 95:12
- g Reduction in tax levy can be made: (1) payment on state debts; (2) canal expenditures; (3) in general purposes; (4) asylum and reformatory expenses. Tilden. 1876. A. J. 99:17-18

853 Accounts. Methods. Collection of moneys.**Warrants***See also 2575, Local finance*

- a "Some proper and permanent mode for the liquidation and settlement of the public accounts of this state is become necessary." Clinton, G. 1778. A. J. 2:4
- b Need of systematizing public revenue and establishing modes for drawing income, expenditure and debts of state. Clinton, G. 1784. A. J. 8 pt 1:6
- 854 Collection of state claims and revenue**
- a Need of new mode of collecting state debts, specially on land sales. Lewis. 1806. A. J. 29:9
- b "Agent has been appointed under act relative to claims of state against United States and has been engaged in performance of his trust." Clinton, D. 1819. A. J. 42:20 Clinton, D. 1827. A. J. 50:18
 1822. A. J. 45:15, 1026 Throop. 1830. A. J. 53:26
 Yates. 1823. S. J. 46:423
- c Communication regarding \$10,000 claimed to be due state from United States land fund. Bouck. 1843. A. J. 66:1003
 Wright. 1845. A. J. 68:339
- d "I suggest that instead of 7% the Comptroller be authorized to charge 10% on all balances due from county treasurers after May 1." Morgan. 1861. A. J. 84:17

- e War claims against federal government. Fenton. 1866. A. J. 89:21
- f War claims against the federal government: adjustment. "I recommend a joint commission on the part of the state and federal government to which these accounts may be referred for final decision." Fenton. 1867. A. J. 90:19
- g War claims against the federal government: statement. Fenton. 1868. A. J. 91:18
- h War claims against the federal government: progress of adjustment. Hoffman. 1872. A. J. 95:16-17 Dix. 1874. A. J. 97:15-16
- i "A conformity to the law would no doubt be aided by making it the imperative duty of the Comptroller to charge 10% interest on all money received by county treasurers from taxes for state purposes and withheld by them after the day fixed for payment into the state treasury." Dix. 1874. A. J. 97:21-22
- j War claims against the federal government: progress of adjustment. Tilden. 1875. A. J. 98:49
- k Refund of the federal direct tax of Aug. 5, 1861: suggestions as to disposition of money. Hill. 1891. A. J. 114:1514-18
- m "I recommend an amendment so as to set a uniform date or period within which all county treasurers shall be required to forward their tax collections to the state treasury." Morton. 1895. A. J. 118:18

855

Claims against state

- a Resolutions of Massachusetts and Virginia Legislatures in regard to state suability are submitted by their governors and measures are to be taken in view of a suit instituted by an individual against the state. Clinton, G: 1794. A. J. 17:7
- b Board of Claims substituted for office of Canal Appraiser and State Board of Audit. Cleveland. 1884. A. J. 107:35
- c Duties of Board of Claims. Hill. 1885. A. J. 108:20-21

856

Examination and audit

- a Importance of economy and watchfulness in state expenditure, to guard against dishonesty and waste. Van Buren. 1829. A. J. 52:17-18
- b Auditing of accounts. "I urge the necessity of authorizing boards of supervisors to audit the accounts of agents employed under the direction of county authorities to execute requisitions of the Governor for the return of fugitives from justice." Morgan. 1861. A. J. 84:30-31

857

Financial officers

- a Defalcation of public money: investigation. Dix. 1874. A. J. 97:22-23

858 State auditor. Comptroller

- a Comptroller allowed a room in building with other state officers. Clinton, G: 1802. A. J. 25:42

859 State treasurer

- a "The State Treasurer should be required by law to reside in Albany and to attend personally to his responsible duties."

Dix. 1874. A. J. 97:22-23

861

Funds. Investments .

- a The receipts from sale of waste lands being in excess of current expense, the Legislature is requested to invest them to the best advantage. Clinton, G: 1792. A. J. 14:6
- b Recommended that measures be taken to make state funds more productive and thus avoid taxation. Clinton, G: 1803. A. J. 26:7
- c "I would suggest whether a portion of our funds might not be usefully employed in loans, for purpose of alleviating pressure on community." Clinton, D. 1820. A. J. 43:10
- d Report on general literature, common school and canal funds.

Van Buren. 1829. A. J. 52:8-9 Throop. 1830. A. J. 53:19-25

- e Report on state funds.

Throop. 1831. A. J. 54:11-13

Seward. 1839. A. J. 62:9-12

1832. A. J. 55:11-14

1840. A. J. 63:12-13

Marcy. 1833. A. J. 56:15-19

1841. A. J. 64:13

1834. A. J. 57:31-33

1842. A. J. 65:17

1835. A. J. 58:14-16

Bouck. 1843. A. J. 66:26

1836. A. J. 59:14-15

1844. A. J. 67:17-18

1837. A. J. 60:13-19

Wright. 1845. A. J. 68:11-18

1838. A. J. 61:22-23

- f Recommended that business distress caused by fire in New York be relieved by loaning \$2,000,000 of canal money to the safety fund banks and that if necessary "the abilities of these banks might be still further enlarged as to amount and time."

Marcy. 1836. A. J. 59:67-69

- g Recommended that the \$5,000,000 United States deposit fund be distributed among the counties to be loaned to citizens and the income to be devoted to education. Marcy. 1837. A. J. 60:18-20

- h Recommended that Legislature protest against repaying United States deposit fund and require Congress to relinquish claim to it.

Seward. 1841. A. J. 64:20

- i Recommended that loans made to counties from United States deposit fund be not recalled at present time of distress.

Bouck. 1843. A. J. 66:580-81

865

Debts. Bonds

See also 2597, Local finance

- a** Statement of state debt.
- | | |
|-------------------------------------|--|
| Seward. 1841. A. J. 64:18-19 | Fenton. 1867. A. J. 90:17 |
| Bouck. 1843. A. J. 66:24-26 | Hoffman. 1870. A. J. 93:11-12 |
| Wright. 1845. A. J. 68:14-25 | 1871. A. J. 94:14 |
| 1319-41 | 1872. A. J. 95:12 |
| 1846. A. J. 69:24-30 | Dix. 1873. A. J. 96:12 |
| Young. 1848. A. J. 71:41 | 1874. A. J. 97:12 |
| Fish. 1849. A. J. 72:11-12 | Tilden. 1875. A. J. 98:14 |
| 1850. A. J. 73:23 | 1876. A. J. 99:13-14 |
| Hunt. 1852. A. J. 75:13 | Robinson. 1877. A. J. 100:13-14 |
| Clark. 1855. A. J. 78:10-11 | 1878. A. J. 101:13-14 |
| Morgan. 1859. A. J. 82:10 | 1879. A. J. 102:16-17 |
| 1860. A. J. 83:15 | Cornell. 1880. A. J. 103:13-14 |
| 1862. A. J. 85:14-15 | 1881. A. J. 104:14-15 |
| Seymour. 1863. A. J. 86:91 | 1882. A. J. 105:68-69 |
| Fenton. 1865. A. J. 88:12-13 | Hill. 1886. A. J. 106:12-13 |
| 1866. A. J. 89:15 | Flower. 1892. A. J. 115:16-17 |
- b** Attention drawn to sums due creditors for war loans; estimate submitted as to amounts and means for discharging without burdensome taxes.
- Clinton, G:** 1786. A. J. 9:6
1787. A. J. 10:7
1788. A. J. 11:7
- c** "To sustain credit of state, it is necessary that seasonable provision be made for punctual payment of state debts."
- Jay.** 1799. A. J. 22 pt 2:133
- d** Message recommending a state loan. **Marcy.** 1834. A. 326
- e** Recommended that the business distress caused by removal of United States deposits be remedied by issue of state stock and by loaning this stock to New York city banks.
- Marcy.** 1834. A. J. 57:531-37
- Good effects of this loan law, though an actual loan has not been necessary.
- Marcy.** 1835. A. J. 58:10-12
- f** Message recommending the issue of state stocks. **Marcy.** 1838. S. 70
- g** Recommended that the Commissioner of Canal Fund be authorized to issue stock with which to loan credit of the state to banks in case of a crisis.
- Marcy.** 1838. A. 341
- h** Serious depreciation of American state and national stocks, caused by imprudent undertakings and lack of effort to maintain public credit. United States government should pay for public works out of commercial and land revenues. Recommended that the whole state debt be never raised so that its interest can not be paid from current canal profits and that revenue from national domain be made sinking fund for principal of the debt.
- Seward.** 1842. A. J. 65:29-32, 1005-10
- i** "The Constitution should be amended to take from the Legislature the power of loaning state credit to corporations."
- Bouck.** 1844. A. J. 67:13

- j In the financial crisis of 1842 loans could not be made without some measure to revive public credit. Hence public works were halted, a state tax was raised and pledged, with surplus income of canals, to the public creditors. Bouck. 1844. A. J. 67:15
- k Provision for special tax for payment of debt. Seymour. 1853. A. J. 76:33-35
- m Limit to 18 years should be extended. Clark. 1856. A. J. 79:98-99
- n "Law which prohibits the creation of any debt not authorized by the Constitution and the laws might be extended so as to affix a penalty to any such indebtedness in future." Morgan. 1860. A. J. 83:11-12
- p "I recommend that you immediately authorize the financial officers of the state to provide for making payment [of interest due]." Seymour. 1863. A. J. 86:706-8
- q "The sinking funds which there is no reason to suppose will be diminished, will at their present rate of application extinguish the whole debt within 9 years." Hoffman. 1869. A. J. 92:14-15
- r "Any diversion of the sinking funds pledged for payment of the interest and the redemption of the principal of the state debts is a clear violation of a constitutional requirement and an act of bad faith to the public creditors." Dix. 1874. A. J. 97:20-21
- s "There remains to be paid [of general fund debt] \$800,000 which will be paid July 1." Robinson. 1878. A. J. 101:15
- t "The state is practically out of debt." Hill. 1890. A. J. 113:46-47
- u "The state is entirely free from debt." Flower. 1894. A. J. 117:17

866

Limitation of indebtedness

- a "A limit should be fixed, beyond which the public debt should never be increased, unless necessary for suppressing insurrection, repelling invasion or carrying on war. And some further constitutional checks should be adopted against creation of a debt or expending of public money for any purpose except ordinary operations of government." Bouck. 1844. A. J. 67:13
- b Constitutional amendment proposed, requiring loans on state credit beyond aggregate of \$1,000,000 or unless for repelling invasion or suppressing insurrection, to be submitted to the people, requiring such loan to be for a single, specified purpose and providing a tax to pay interest as due, and principal within 18 years. Wright. 1845. A. J. 68:21-24
- c Constitutional restrictions. Tilden. 1875. A. J. 99:14-15

870

Public order

See also 234, Crimes and offenses; 1332, Railroads

872

Police

- a "Numerous crimes and difficulties in executing justice suggest need of improving the police." Seward. 1842. A. J. 65:14

- b "There is no express statute in our state which regulates or prohibits the employment of private detectives during labor strikes. The desirability of modifying the statute is suggested."

Hill. 1891. A. J. 114:22-24

875

Municipal police

- a New York city police force: faults in city charter.
King. 1857. A. J. 80:28-29 Morgan. 1859. A. J. 82:25
- b Changes suggested: (1) increase of salary of general superintendent; (2) provision for special officers on election days; (3) reduction of commissioners from 7 to 3.
Morgan. 1860. A. J. 83:30
- c Efficiency.
Morgan. 1860. A. J. 83:29-30
- d Organization and duties.
Morgan. 1861. A. J. 84:26-27
- e Increase of duties suggested.
Morgan. 1862. A. J. 85:20
- f "I recommend a measure that will place in proper hands the power to reorganize and regenerate the police department of New York city."
Morton. 1895. A. J. 118:1586-88

877

Miscellaneous police regulations

- a Street processions and parades, New York city: use of music.
Robinson. 1879. A. J. 102:993-94

879

Amusements

883

Gambling. Lotteries. Betting

See also 1507, Speculation

- a Extensive and evil habit of betting on elections, with suggestions of means for preventing.
Wright. 1845. A. J. 68:37-39
- 885 Lotteries
- a Deficiency in state revenue may be made up by lottery.
Lewis. 1806. A. J. 29:9
- b A much greater public revenue may be raised annually by lotteries already authorized by law.
Clinton, D. 1818. A. J. 41:11
- c Recommended that lottery law be amended to keep out tickets of other states and produce greatest possible revenue without injuring community.
Clinton, D. 1818. S. J. 41:108
- d As profits of certain lotteries are to benefit education, the Governor regrets the impaired credit of these institutions and hopes public confidence will be restored. He suggests that they be protected against contractors.
Clinton, D. 1819. A. J. 42:13
- e "One of the most pernicious ways of raising revenue is by establishment of lotteries... It is hoped that after existing grants are satisfied this expedient will be entirely abandoned."
Clinton, D. 1820. A. J. 44:14
- f Request from District of Columbia that sale of lottery tickets for benefit of improvements in city of Washington be permitted in New York State.
Clinton, D. 1822. A. J. 45:14

- g Question of constitutionality of law authorizing lotteries has been raised. Action on law is recommended. Marcy. 1833. A. J. 56:12
- h "In defiance of the law, traffic in these tickets is extensively carried on... The duty... to your constituents... requires you to provide for putting an end to this traffic." Marcy. 1835. A. J. 58:28
- i "The constant violation of the law to suppress the sale of lottery tickets requires me to remind the Legislature that it is a duty... to suppress this traffic." Marcy. 1836. A. J. 59:28
- j "It is the duty of Legislature to frame such laws as will be effective in preventing lotteries." Cornell. 1881. A. J. 104:24
- k "Penalties for the violation of present enactments should be made more severe and the duty of various officers of the law made more specific and imperative." Cornell. 1882. A. J. 105:88
- 887 **Pool selling. Bookmaking**
- a "The Legislature should without delay expunge from the statute books the obnoxious law which allows race track gambling." Morton. 1895. A. J. 118:21

889 Prize fighting. Boxing

- a "I recommend the repeal of the so called Horton boxing law." Roosevelt. 1900. A. J. 123:34-35

900 Intoxicating liquors. Narcotics

- a "Multitude of tippling houses indiscreetly licensed" is one cause of increase of petty larceny. Jay. 1799. A. J. 22 pt 2:25
- b Excise law. Seymour. 1854. A. J. 77:33
- c "A change is necessary in the laws relative to excise so as to ensure their enforcement especially in regard to licenses." Seymour. 1863. A. J. 86:90
- d "I recommend the repeal of the excise law in force throughout the metropolitan district so that we may have but one law for the whole state." Hoffman. 1869. A. J. 92:29-30
- e "What is needed is to substitute for all existing laws on the subject a carefully prepared statute clear and explicit in all its provisions and complete in itself to be uniformly, steadily and constantly enforced." Robinson. 1878. A. J. 101:26-27
- f "I suggest that you substitute a clear, symmetric and complete statute for the present laws on the subject." Robinson. 1879. A. J. 102:34
- g "The laws are constantly violated and inadequate attention is given to their enforcement. What is needed is a carefully matured act that can be plainly understood and faithfully executed." Hill. 1891. A. J. 114:14-15
- h "Interests of good government demand a thorough revision of the excise laws." Cornell. 1880. A. J. 103:22
- i "Highest interests of the public demand judicious and effective amendments to the present laws." Cornell. 1881. A. J. 104:24
- h "Highest interests of the public demand judicious and effective amendments to the present laws." Cornell. 1882. A. J. 105:87-88

- j "I recommend the passage of a bill which will provide for a commission to report to the Legislature of 1889 a revised excise law."
Hill. 1888. A. J. 111:569-72
- k Suggestions for framing a satisfactory excise law.
Hill. 1889. A. J. 112:23-28
- m "I recommend that Legislature endeavor to formulate a law which shall, as far as practicable, embody the best features of the liquor laws now in successful operation in the various states with a consistent aim toward reduction of the number of saloons in the state."
Morton. 1896. A. J. 119:28-29
- n Successful results of present law. Black. 1898. A. J. 121:19
- p Amendments to excise law recommended: (1) relating to prosecutions for violation; (2) regulations of Raines law hotels.
Odell. 1901. A. J. 124:31-32

902 Prohibition

- a "Legislative prohibition of the traffic in intoxicating drinks is... demanded as a measure of protection." Clark. 1855. A. J. 78:22-23
- b "Constitutional prohibition is not the best means of preventing or mitigating the evils of intemperance." Hill. 1890. A. J. 113:39-41
- c "Wisest course is the enactment of a law containing the necessary provisions for the due submission of the amendment at the next annual election."
Hill. 1891. A. J. 114:15-16

907 Liquor licenses

908 Excise boards

- a Excise laws. "I recommend the abolition of the county boards of excise as now organized through the state and the substitution of local boards to be composed of the supervisors and justices of the peace of the several towns."
Hoffman. 1870. A. J. 93:24

921 Intoxication. Inebriates

922 Institutions. Treatment

- a Binghamton Inebriate Asylum: maintenance.
Morgan. 1860. A. J. 83:28-29
- b Inebriate asylum: progress of construction.
Morgan. 1861. A. J. 84:29
- c Inebriate asylum: change to state management.
Fenton. 1868. A. J. 91:22
- d Inebriate asylum. "A complete failure. I recommend no further appropriations be made for its support for its original purpose."
Robinson. 1879. A. J. 102:23

927 Mob violence

- a Resistance to law. Seymour. 1854. A. J. 77:22-23
- b Riots of July 1877. Robinson. 1878. A. J. 101:20-21

928

Prostitution

- a "Our laws should be amended so as to provide for the punishment of men who profit by the commission of immoral acts by women."
Roosevelt. 1900. A. J. 123:35-36

929

Sunday observance

- a Indifference to act regarding Sunday observance.
Jay. 1798. A. J. 21:6
- b Notice of a petition for law directing canal locks to be closed on Sunday.
Bouck. 1844. A. J. 67:29

930

Public health and safety

932

General supervision

- a Reform of New York city: sanitary laws. Fenton. 1866. A. J. 89:20
- b "In order to carry out the measures necessary for the preservation of public health in New York city it is indispensable that the authority of the board of health should be extended over the waters of the harbor and bay within the quarantine limits." Dix. 1874. A. J. 97:19
- c "I ask your consideration of the advisability of establishing a State Board of Health." Robinson. 1877. A. J. 100:18
- d State Board of Health: organization. Cornell. 1881. A. J. 104:23
Results accomplished. Cornell. 1882. A. J. 105. 85-86
- e "I believe that the Board of Health should be abolished and its powers vested in a single responsible official to be known as the Health Commissioner of the State." Hill. 1886. A. J. 109:27-28
- f "Legislation is needed to strengthen the power and resources of the State Board of Health." Flower. 1893. A. J. 116:43-44
- g "The duties [of the State Board of Health] are such that one competent man might easily perform them." Odell. 1901. A. J. 124:26

934

Local boards and officers

- a New York city. Metropolitan sanitary district and board of health; organization. Fenton. 1867. A. J. 90:25
- b "I recommend that the Governor be empowered to appoint the health officer and harbor masters including the captain of the port without the consent of the Senate and to remove them or any of them at pleasure." Hoffman. 1872. A. J. 95:18-19

938

Vital statistics*See also 474. Family*

- a Recommended that Board of Agriculture be instituted and given authority to take vital statistics and those of agriculture, mining and industry. Clinton, D. 1819. A. J. 42:14

- b Recommended that vital statistics be periodically returned.
Clinton, D. 1825. A. J. 48:12

940 State control of medicine

942 Medical societies

- a "State-Medical Society... would be enabled by small appropriation .
to realize the high expectations entertained of it."
Clinton, D. 1825. A. J. 48:11

943 License to practise

944 Medicine

- a "College of Physicians and Surgeons in New York is deserving of
public consideration." Law recommended making attendance there
requisite to medical practice.
Clinton, D. 1818. A. J. 41:10 Throop. 1830. A. J. 53:18
1819. A. J. 42:15 1831. A. J. 54:20
1820. A. J. 44:13 Marcy. 1833. A. J. 56:14
1826. A. J. 49: 9

956 Adulteration. Inspection of articles liable to affect public health

See also 1466, Adulterations and imitations

- a "Necessity of revising laws which direct inspection of staple com-
modities." Jay. 1796. A. J. 20:6
b Advisability of appointing separate inspector, at adequate salary,
for each branch of inspection. Jay. 1800. A. J. 23:82
c "You will relieve agriculture and commerce of unnecessary bur-
dens... by reducing the number and emoluments of inspectors."
Seward. 1839. A. J. 62:18
d "I recommend that such laws as we have relating to the adultera-
tion of food and drugs shall be amended where necessary and be
brought together in one general statute." Hill. 1887. A. J. 110:26-27
e "It is within the province of the Legislature to see that vitiated
compounds and adulterations be not permitted."
Roosevelt. 1899. A. J. 122:33
f "Special necessity of taking all possible steps to prevent the adul-
teration of food." Roosevelt. 1900. A. J. 123:45

961 Milk and milk products

- a "I recommend such an amendment to the existing laws as will
accomplish the absolute prohibition hereafter of the purchase or use
of adulterated or imitation dairy products by any state institution."
Flower. 1893. A. J. 116:528

- b "I suggest that Legislature petition Congress to provide by statute that all food products coming from one state into another shall immediately upon their entry into the state become subject to the state laws."
Flower. 1894. A. J. 117:31-33

964

Butter and cheese

- 965 Butter. Imitation and adulteration. Oleomargarin
a "Oleomargarin is recognized and protected by federal statute and its sale under the patented name can not be interfered with by state regulation unless shown to be deleterious to health."
Cornell. 1882. A. J. 105:79

972

Other articles of food and drink

978

Cereals. Starches. Bread

- a Bad reputation of New York flour and need of careful inspection and improvement.
Clinton, D. 1819. A. J. 42:14

1020

Communicable diseases

See also 1144, Communicable diseases of animals

- a Prevalence of an infectious disease in Philadelphia has necessitated quarantine between New York state and Philadelphia. The expenses which have been advanced by New York city are recommended to be reimbursed.
Clinton, G. 1794. A. J. 17:8
- b Attention called to inadequacy of quarantine law against infectious diseases.
Clinton, G. 1794. A. J. 17:105
Expenses incurred in effort to enforce law.
Jay. 1796. A. J. 19:25
Subject again recommended for action.
Jay. 1796. A. J. 19:82; 20:5
- c Bedloe's island conveyed by New York city to state for lazaretto. Appropriation needed for buildings, etc. Jay. 1796. A. J. 20:5
- [d Pestilence in New York arrested by Board of Health. Importance of cleanliness. Need of public baths, sewers and pure water supply.
Clinton, D. 1820. A. J. 43:15 Marcy. 1833. A. J. 56:9-10
1825. A. J. 48:21
- e "I suggest . . . careful review and amendment of the laws of public health with a view to secure the benefit of the combined experience of scientific and learned men with respect to the origin, causes, progress and treatment of all malignant and infectious diseases."
Fish. 1850. A. J. 73:21

1023

Hospital for contagious diseases

- a Bedloe's island conveyed by New York city to state for lazaretto. Appropriation necessary for buildings, etc. Jay. 1796. A. J. 20:5

1024

Maritime quarantine

- a Quarantine law to be amended to commit its enforcement in Albany and Hudson to mayors and recorders, also appropriation to be made for expense incurred thereby.
Clinton G. 1804. A. J. 27:101-2
- b Report on quarantine station at Staten Island.
Throop. 1831. A. J. 54:23
- c Report on quarantine establishment and marine hospital on Staten Island and the charges on passengers for its maintenance, which are alleged to be unconstitutional.
Bouck. 1844. A. J. 67:25-26
Wright. 1846. A. J. 69:36-37
- d Question of new site for Quarantine Hospital, in view of complaints of citizens of Richmond county. It is charged that the health officer of the port of New York is paid too much.
Fish. 1849. A. J. 72:20-21
- e Location of quarantine station, New York city.
King. 1858. A. J. 81:127
- f Location of quarantine station. "In establishing, for all time quarantine grounds for the commerce of our own country and that of the maritime world I deem it right and proper to ask the concurrence and cooperation of the federal government."
Morgan. 1859. A. J. 82:19-20
- g "I call attention to the numerous health laws and the manner in which they are administered at the port of New York. It would be difficult to adopt a system more inconvenient and more expensive."
Morgan. 1859. A. J. 82:20
- h Location of quarantine station, New York harbor.
Morgan. 1860. A. J. 83:31
- i "I recommend that the Chamber of Commerce of New York city be empowered to establish a rate of charges for stevedores and lightermen employed in discharging and transporting infected cargoes."
Morgan. 1860. A. J. 83:31
- j "I recommend a revision of the laws with reference to the Commissioners of Emigration and to quarantine, not so much for the introduction of new laws as for the purpose of explaining and reconciling existing laws."
Morgan. 1861. A. J. 84:24-25
Recommendation renewed. 1862. A. J. 85:19-20
- m "Legislation necessary to complete the quarantine establishment contemplated by the act of 1863." Fenton. 1866. A. J. 89:19-20
- n "I recommend legislation to secure a suitable place for the detention of passengers who have been exposed to disease but are not actually sick."
Fenton. 1866. A. J. 89:140-41
- p Sanitary regulations: quarantine hospital and warehouse.
Fenton. 1868. A. J. 91:25
- q Inadequacy of quarantine regulations of New Jersey.
Fenton. 1868. A. J. 91:26

- r Commissioners to erect a quarantine hospital on West Bank. "I recommend such legislation as may enable them to accomplish their work." Hoffman. 1869. A. J. 92:25
- s "Necessity for thorough administration of quarantine laws." Hoffman. 1872. A. J. 95:18
- t "I recommend a thorough examination of the official acts of the health officer and the harbor masters and such amendments as may be necessary." Hoffman. 1872. A. J. 95:19
- u Quarantine: number of vessels detained. Dix. 1873. A. J. 96:15
1874. A. J. 97:18-19
- v "I recommend the discontinuance of the commissioners of quarantine as a salaried board, continuing them as a court of appeal from the decisions of the health officer." Dix. 1873. A. J. 96:16
- vi Health regulations. Dix. 1874. A. J. 97:18-19
Tilden. 1875. A. J. 98:46-47
- w Quarantine station. "It seems to me that this establishment ought to be made self-supporting." Tilden. 1876. A. J. 99:32
- x System and regulations give satisfaction. Cornell. 1880. A. J. 103:21
- xi Efficiency of regulations. Cornell. 1882. A. J. 105:86-87
Cleveland. 1883. A. J. 106:22
- y "The health officer should be attached to the quarantine establishment." Cleveland. 1884. A. J. 107:27-29
- z "A rigid system of inspection at foreign ports under the direction of the consular service would form the best kind of national quarantine. As for the rest it can safely be left to state control." Flower. 1893. A. J. 116:43-47
- 1030 Special diseases
- 1034 Cholera
- a Cholera: means of prevention. Fenton. 1866. A. J. 89:19-20
- b Quarantine provisions against cholera. Fenton. 1866. A. J. 89:140-41
- c Measures taken to prevent cholera. Fenton. 1867. A. J. 90:23-25
- 1046 Yellow fever
- a Yellow fever in New York. Quarantine and cleaning of city. Clinton, G. 1804. A. J. 27:5-6 Clinton, D. 1825. A. J. 48:21
Lewis. 1806. A. J. 29:7
- b Yellow fever: danger from infected vessels. Hoffman. 1871. A. J. 94:17-18

Public safety

1090

Fires

1092

1093

Fire marshals. Inspection

- a "Existing coroners in towns and villages should be required to investigate and have power to do such things as are necessary to ascertain if possible the cause of every fire." Hill. 1889. A. J. 112:28-29

1099 **Buildings: sanitation and safety**

- a "I recommend that no modification of the law prescribing the mode in which buildings are to be constructed shall be made without the consent of a board to be jointly constituted by the New York Board of Fire Underwriters and the commissioners of the fire department." Dix. 1873. A. J. 96:23
- b "Some attention might also be devoted to the subject of sanitary rules in the construction of houses." Cornell. 1882. A. J. 105:85-86
- c Regulations and inspection. Flower. 1894. A. J. 117:39

1109 **Public halls**

- a "Legislature should enact regulations for all buildings which are places of public resort so as to provide for the prompt suppression of fire and rapid egress in case of alarm." Robinson. 1877. A. J. 100:26

1110 **Tenement houses**

- a "I recommend the appointment of a commission to present a revised code of tenement house laws." Roosevelt. 1900. A. J. 123:29
- b "I recommend the establishment of a tenement house commission to look into the whole subject of the proper construction of tenement houses in the congested districts of our great cities of the first class." Roosevelt. 1900. A. J. 123:3121-22

1124 **Miscellaneous**1139 **Steamboats. Vessels**

See also 1800. Navigation

- a Recommended that measures for public safety on water be taken. Clinton, D. 1826. A. J. 49:16
- b Inspection of steam and naphtha vessels on lakes. "There should be a complete and comprehensive statute applicable to all interior lakes of the state." Hill. 1891. A. J. 114:1978

1144 **Communicable diseases of animals**

- a "I recommend an amendment of the act for the prevention of infectious diseases among cattle, in order to enable the commissioners to act with the efficiency necessary to secure the objects of the law." Hoffman. 1869. A. J. 92:25
- b Appropriation asked. Cornell. 1880. A. J. 103:55
- c Preventive measures. Cornell. 1882. A. J. 105:78-79
- d "I suggest that a resolution be adopted by the Legislature requesting the senators and representatives in Congress from this state to urge upon that body the need of federal legislation on this subject." Cleveland. 1884. A. J. 107:42

- e "Legislature should see that those public servants especially charged with caring for the health of the state be provided with all necessary appliances to prevent the spread of disease among cattle."
Roosevelt. 1899. A. J. 122:33
- f "Work of stamping out tuberculosis and glanders among cattle should be transferred to the Department of Agriculture."
Odell. 1901. A. J. 124:40

1151

Special diseases1161 **Pleuropneumonia**

- a "Suitable provision should be made by the state to arrest the progress of the disease of cattle known as pleuropneumonia."
Cornell. 1881. A. J. 104:85

1167 **Tuberculosis**

- a Examination of cattle for tuberculosis: results.
Flower. 1894. A. J. 117:36

1200

Transportation and communication*See also 1800, Navigation*

- a Recommended that means of communication with frontier settlements be facilitated in order to establish profitable commerce.
Clinton, G. 1791. A. J. 14:4 Lewis. 1807. A. J. 30:6
Jay. 1796. A. J. 19:7 Clinton. 1818. A. J. 41:7
- b Recommended that a board of internal improvements be appointed, with one member from each senate district, and that it do the work of the present Canal Board, among other duties.
Seward. 1839. A. J. 62:13

1204

Rates. Discrimination

- a "I recommend as an equivalent for reestablishing the tolls on freight that railroad companies paying such tolls be permitted to make such equitable increase in their charges for the transportation of passengers as the Legislature may authorize."
King. 1858. A. J. 81:122-23
- b "I can not doubt the wisdom or justice of reimposing for a few years a moderate rate per ton during the season of navigation upon all freight passing over railroads competing with canals."
Morgan. 1860. A. J. 83:18, 465-70
1861. A. J. 84:15-16
- c "The public have a right to demand that freight tariffs shall be uniform for like service and without discrimination. This should be secured by just and practical regulations."
Cornell. 1880. A. J. 103:21-22
- d "Stability and uniformity in freight tariffs are necessary for the safe conduct of business."
Cornell. 1881. A. J. 104:21
- e "But for the effect of unjust discrimination as between individual patrons and communities there would be no serious cause for complaint."
Cornell. 1882. A. J. 105:79-80

1267

Railways. Car companies. Express*See also* 500, Corporations; 845, Taxation; 2040, Labor

- a "By inserting the clause saving to the Legislature the power to modify and repeal them and by reserving to state the power to take possession of them on equitable terms, charters for railroads may become productive of the public good." **Throop.** 1832. A. J. 55:15
- b Survey for railroad from New York to Lake Erie has been completed and charter is to be asked for. **Marcy.** 1835. A. J. 58:18-19
- c Report on railroads.

Seward. 1840. A. J. 63:24 1841. A. J. 64:18 1842. A. J. 65:20-28, 1005-10 Bouck. 1843. A. J. 66:19-21 Seymour. 1853. A. J. 76:22-23	Clark. 1856. A. J. 79:100 Morgan. 1859. A. J. 82:17 1860. A. J. 83:467 Fenton. 1865. A. J. 88:15
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- d Regulations suggested. **Fish.** 1850. A. J. 73:37
- e Railroad Commission: organization and duties.

	Clark. 1856. A. J. 79:100
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- f "Time has come to regard with still greater favor the question of a speedy construction of a transcontinental railway."

	Morgan. 1861. A. J. 84:32
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- g "A railroad constructed for the exclusive purpose of freight transit would afford accommodation both for amount and cheapness of which the present system can scarcely give an adequate conception."

	Fenton. 1866. A. J. 89:24
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- h Railroad Commission: organization and duties.

	Cleveland. 1884. A. J. 107:30-31
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1273

Dissolution. Insolvency

- a "The Canajoharie and Catskill Railroad Co. and the Ithaca and Owego Railroad Co. having failed to pay interest on the stocks issued for them, the interest was paid at the treasury. Proceedings of foreclosure have been instituted." **Seward.** 1842. A. J. 65:20
- b "The Ithaca and Owego and the Catskill and Canajoharie railroads have been sold at auction. The New York and Erie is insolvent but new directors have been appointed and it is hoped they will complete it. Recommended that sale be suspended and that the prior lien of the state mortgage be yielded to such debts as may be incurred for completing the road." **Bouck.** 1843. A. J. 66:20-21
- c Payment of mortgage debts. "I recommend a law requiring the courts—on petition of any bondholder or secured creditor, to put the trustees in possession of the road without delay." **Morgan.** 1860. A. J. 83:35

1279

Stocks, bonds, mortgages

- a "Those who have made investments in railroad stocks or bonds have a right to inquire whether it is not within the power of the Legislature to provide some remedy for this apparent annihilation or vast depreciation of their property." **Morgan.** 1859. A. J. 82:17

1280

Public ownership and aid

- a "A governmental management of railroads would be an experiment ... but it is not obvious why with skill and experience equal to that employed in the canals, a system of supervision of railroads could not be adopted... The state may well claim a right to make or improve highways..."
Seward. 1842. A. J. 65:25-28

1282

Public aid. Exemptions. Subscription to stock

- a First railroad in the state being built between Albany and Schenectady. Propriety of encouraging it and others.
Throop. 1831. A. J. 54:13-14 1832. A. J. 55:14-15
- b Aid for the Erie railroad. Marcy. 1836. A. J. 59:19
- c Recommended that railroads now building from Albany to Buffalo and from New York to Lake Erie be examined and aided, also that project for road from the Hudson to Lake Ontario be considered.
Seward. 1839. A. J. 62:22-23
- d Discussion as to whether state shall carry on its internal improvements, railroads and canals, or abandon this policy. It is urged that the state revenues justify and interests demand the former course.
Seward. 1839. A. J. 62:11-26 Seward. 1842. A. J. 65:21-28, 1005-10
1840. A. J. 63:24-42 Bouck. 1843. A. J. 66:19-26
1841. A. J. 64:31-35
- e List of the 10 railroad companies to which state has loaned its credit, with amounts. Bouck. 1843. A. J. 66:19
- f State aid to railroads. "I can not believe it to be sound policy at this juncture to add to the state tax a further sum for the aid of these railroads."
Fenton. 1866. A. J. 89:1719-21
- g "It seems to me to be due to the inhabitants of our towns who are solicited and often successfully to subscribe to the stock of these companies by sanguine or exaggerated representations, that all laws authorizing such subscriptions should be repealed."
Dix. 1874. A. J. 97:25-26

1286

Supervision and regulation

1295

Location. Right of way

- a "I suggest that engineers and architects be required to deposit in the archives their plans, maps, estimates and models of canals, railroads and public edifices."
Seward. 1842. A. J. 65:11

1300

Reports

- a "I suggest an amendment of the general railroad law giving to the State Engineer the power to prescribe the form of the returns and such other power as may be necessary to insure and enforce a proper exposition of the actual condition of these companies."

Robinson. 1877. A. J. 100:25-26

1313 Public safety, comfort and order**1314 Safety regulations**

- a "I...invoke the Legislature to enact laws...most proper and efficient for preventing...these disasters." Hunt. 1852. A. J. 75:24
- b "I recommend that the State Engineer and Surveyor be required whenever complaint is made to him to examine the roadbed and bridges of any railroad, and if they are not safe then to apply to any judge of the Supreme Court and obtain a summary order closing the road." Morgan. 1860. A. J. 83:35

1322 Fire guards. Injury by fire

- a "I recommend a statute making railroad companies absolutely liable for all damages by fire set by their locomotives irrespective of the question of proof of express negligence on their part." Hill. 1888. A. J. 111:16

1337 Street railways

See also 500, Corporations; 845, Taxation; 2040, Labor

1338 Underground and elevated roads

- a "Necessity of providing some relief for New York city in the matter of rapid transit is the pressing question of the hour." Hill. 1889. A. J. 112:1791-92
- b Rapid transit in New York city. "The Legislature should take every means to find out the best system to adopt." Roosevelt. 1899. A. J. 122:29

1359 Location. Right of way**1362 Franchises. Location of tracks. Extensions**

See also 2628, Franchises

- a New York city: street railway franchise. "Such action should be taken by the Legislature as will effectually prevent such schemes from resulting in any profit and that will restore to the city the franchise that was stolen from it." Hill. 1886. A. J. 109:615-16
- b Rapid transit. "The franchise should not be given in perpetuity and provision should be made to remunerate the city if the franchise turns out to have exceptional value." Roosevelt. 1899. A. J. 122:3227-28

1365 Fares. Passes

- a Regulation of fares on New York city elevated railroads. Cleveland. 1883. A. J. 106:457-62

1384 Canals

- a Transmission of report of Commissioners of Land Office on survey between Mohawk river and Wood creek and between the Hudson and Wood creek, with estimates for canals, with recommendation in favor of their construction. Clinton, G: 1792. A. J. 14:6
- a1 Aid to amount of £10,000 given to Northern and Western Inland Lock Navigation Companies, in view of public advantage. Clinton, G: 1794. A. J. 17:7-8

- b Notice and favorable mention of report of commissioners to examine practicability and probable cost of canal between Hudson and Lake Erie. Tompkins. 1811. A. J. 34:7
- b1 Recommended that state aid be given for building canal between the Hudson and the western lakes and Champlain. Tompkins. 1816. A. J. 39:12
- c Report of progress on western and northern canals and of prospective canal between Seneca lake and Tioga river. Clinton, D. 1818. A. J. 41:9 Clinton, D. 1822. A. J. 45:10-12
1819. A. J. 42:11-13 Yates. 1823. A. J. 46:13
1820. A. J. 43:11-13; 44:11-12 1824. A. J. 47:11-12
- d Report on canals.
- | | |
|---|---|
| <p>Clinton, D. 1825. A. J. 48:12-18</p> <p style="padding-left: 2em;">1826. A. J. 49: 9-12</p> <p style="padding-left: 2em;">1827. A. J. 50:12-15</p> <p style="padding-left: 2em;">1828. A. J. 51: 8-10</p> <p>Van Buren. 1829. A. J. 52: 8-10</p> <p>Throop. 1830. A. J. 53:22-25</p> <p style="padding-left: 2em;">1831. A. J. 54:13-18</p> <p style="padding-left: 2em;">1832. A. J. 55:11-15</p> <p>Marcy. 1833. A. J. 56:15-21</p> <p style="padding-left: 2em;">1834. A. J. 57:20-25</p> <p style="padding-left: 2em;">1835. A. J. 58:14-19</p> <p style="padding-left: 2em;">1836. A. J. 59:15-21</p> <p style="padding-left: 2em;">1837. A. J. 60:16-18</p> <p style="padding-left: 2em;">1838. A. J. 61:20-24</p> | <p>Seward. 1839. A. J. 62:11-26</p> <p style="padding-left: 2em;">1840. A. J. 63:24-42</p> <p style="padding-left: 2em;">1841. A. J. 64:16-34</p> <p>1842. A. J. 65:20-28, 1005-10</p> <p>Bouck. 1844. A. J. 67:14-17</p> <p>Wright. 1845. A. J. 68:14-25, 1319-41</p> <p style="padding-left: 2em;">1846. A. J. 69:24-30</p> <p>Young. 1847. A. J. 70:14-18</p> <p style="padding-left: 2em;">1848. A. J. 71:14-16</p> <p>Fish. 1849. A. J. 72:12-14, 20</p> |
|---|---|
- e Discussion as to whether state shall carry on its internal improvements, specially canals, or abandon this policy. It is urged that the state revenues justify and interests demand the former course. Seward. 1839. A. J. 62:11-26 Seward. 1841. A. J. 64:31-35
1840. A. J. 63:24-42 1842. A. J. 65:21-28, 1005-10
Bouck. 1843. A. J. 66:19-26
- e1 Recommended that the present Canal Commissioners and Canal Board be replaced by a board of internal improvements, which shall have charge of all public works. Seward. 1839. A. J. 62:13
- e2 Announcement that a committee of the Pennsylvania Senate has come to discuss connection between North Branch of the Pennsylvania canal and the Chenango and Chemung canals, in New York. Recommended that they be fittingly received. Seward. 1839. A. J. 62:22
- e3 "By a reduction of canal tolls upon salt manufactured from the springs the market might be extended... I suggest negotiation with Ohio for reduction of tolls on our salt... to be reciprocated by reduction of our tolls upon coal and other minerals." Seward. 1841. A. J. 64:21
- e4 "I suggest that engineers and architects should now be required to deposit in archives their plans, maps, estimates and models of canals, railroads and public edifices." Seward. 1842. A. J. 65:11
- f Governor approves of the stopping of work on canals and railroads

- but advises that where new structures are so nearly finished that completion would cost less than repair of old structures, it shall be made, and regarded as repairs. **Bouck.** 1844. A. J. 67:14-16
- g** In view of the enormous debt, it is not considered wise to build more canals. **Wright.** 1845. A. J. 68:139-41
- h** "I can not doubt that the Legislature... will provide... for general resumption of the public works." **Young.** 1847. A. J. 70:14-18
1848. A. J. 71:15-17
- i** "I recommend the immediate passage of an act authorizing appointment of counsel... to appear for the state in support of the [canal] law." **Hunt.** 1852. A. J. 75:934-38
- j** "I recommend as an equivalent for reestablishing tolls on freight that railroad companies paying such tolls be allowed to make such equitable increase in passenger rates as the Legislature may authorize." **King.** 1858. A. J. 81:122-23
- k** Objections to payment of interest on canal commissioner's drafts: (1) furnishes no safeguards against abuse; (2) sanctions a new form of state indebtedness. **Morgan.** 1859. A. J. 82:1416-18
- kr** "I can not doubt the wisdom or justice of reimposing for a few years a moderate rate per ton during the season of navigation upon all freight passing over railroads competing with canals." **Morgan.** 1860. A. J. 83:18, 465-70 1861. A. J. 84:15-16
- m** General recommendations. **Seymour.** 1864. A. J. 87:15-16
- n** "I desire to enter my earnest protest against the proposition that it is the duty of the general government to interest itself in our canals and ultimately to acquire control of them." **Hoffman.** 1869. A. J. 92:19
- ni** "Contract system for repairs of canals has proved anything but economical to the state or beneficial to navigation and its repeal is strongly recommended." **Hoffman.** 1869. A. J. 92:19
- n2** Canadian usage. "I recommend passage of any laws necessary to carry out the provision of the United States treaty with Great Britain; i. e. to allow subjects of Great Britain to enjoy the use of the St Clair flats canal on terms of equality with the citizens of the United States." **Hoffman.** 1872. A. J. 95:20
- p** Importance to the state. **Dix.** 1874. A. J. 97:23-24
- q** "I recommend that such measures be taken as your wisdom aided by such information as can be had from the proper administrative officers may devise to put in good condition and to improve the waterway of the Erie canal." **Tilden.** 1875. A. J. 98:27-28
- qi** Advantage to New York city. **Tilden.** 1875. A. J. 98:31
- q2** Use as feeders. "Consideration of what must be done to retain as feeders portions of these canals not hereafter to be maintained for navigation is important" **Tilden.** 1875. A. J. 98:32
- q3** Management. "I recommend a law conferring on the Canal Board full power of investigation and redress of all wrongs in respect to canal work." **Tilden.** 1876. A. J. 99:600-3

- q4** Management. "I recommend an ample appropriation in aid of the defenses of the state against fraudulent canal contracts and canal frauds." Tilden. 1876. A. J. 99:600-3
- r** "Constitution amended to provide for the appointment by Governor and Senate of a Superintendent of Public Works, with powers of the canal commissioners." Robinson. 1877. A. J. 100:17; A. 88
- r1** Lateral canals. "Those canals are rapidly disposing of themselves and have already become of little value." Robinson. 1877. A. J. 100:15
- r2** Lateral canals. "No further expenditures should be made on them" [Oswego, Black river, Champlain]. Robinson. 1878. A. J. 101:17
- r3** Business prosperity. Robinson. 1878. A. J. 101:15-16
- s** Usefulness to state. Flower. 1894. A. J. 117:21-24
- s1** Plans for increasing tonnage. Flower. 1894. A. J. 117:21-24
- t** "The canal problem is too serious to be decided by the Legislature. If a further sum is to be expended for the continuance of the work it also should first receive the people's sanction." Black. 1898. A. J. 121:19
- u** Report of investigating committee. Roosevelt. 1899. A. J. 122:17
- u1** "I call attention to the importance of making provision to enable counsel to find out whether or not indictments should be found against any persons connected with the canals." Roosevelt. 1899. A. J. 122:2551-52
- v** Enlargement and improvement.
 Fish. 1850. A. J. 73:24 Fenton. 1866. A. J. 89:23
 Hunt. 1851. A. J. 74:1198 Tilden. 1875. A. J. 98:24-25
 Seymour. 1853. A. J. 76:885-90, 1060 1875. A. J. 98:31
 1854. A. J. 77:25-30 1876. A. J. 99:600-3
 Clark. 1856. A. J. 79:99 Cornell. 1881. A. J. 104:16
 King. 1857. A. J. 80:14 Morton. 1895. A. J. 118:25-26
 Morgan. 1859. A. J. 82:13 1896. A. J. 119:25-26
 1862. A. J. 85:13 Odell. 1901. A. J. 124:1855-61
- w** Railroad competition.
 Morgan. 1861. A. J. 84:15 Dix. 1873. A. J. 96:17-18
 1862. A. J. 85:13-14 Cornell. 1882. A. J. 105:70
 Fenton. 1867. A. J. 90:33-36
- x** Tonnage
 Morgan. 1860. A. J. 83:13-14 Flower. 1894. A. J. 117:20-21
 Seymour. 1863. A. J. 86:92

- a** Canal damage claims.
 Morgan. 1861. A. J. 84:23 Cornell. 1882. A. J. 105:71-72
 Cornell. 1881. A. J. 104:20-21, Cleveland. 1883. A. J. 106:15
 1734

b Canal debt.

- Fish.** 1850. A. J. 73:24
Hunt. 1851. A. J. 74:16-17
Seymour. 1853. A. J. 76:1058
Clark. 1856. A. J. 79:99
King. 1857. A. J. 80:11-13
 1858. A. J. 81:124
Morgan. 1859. A. J. 82:12-13
 1860. A. J. 83:11
- Morgan.** 1861. A. J. 84:12
 1862. A. J. 85:11
Fenton. 1865. A. J. 88:13
 1866. A. J. 89:22
 1868. A. J. 91:17
Hoffman. 1869. A. J. 92:16-17
Robinson. 1878. A. J. 101:15

c Canal fund.

- Morgan.** 1861. A. J. 84:13-14
 1862. A. J. 85:12-13
- Hoffman.** 1870. A. J. 93:13

d Canal management.

- Seymour.** 1853. A. J. 76:23-24
 1854. A. J. 77:30-33
Hoffman. 1870. A. J. 93:14-15
Tilden. 1875. A. J. 98:24, 29
 1875. S. 64
 1876. A. J. 99:20-27
- Robinson.** 1878. A. J. 101:16-17,
 1219-22
 1879. A. J. 102:15-16
Cornell. 1880. A. J. 103:15
Roosevelt. 1900. A. J. 123:14-17,
 229-34

e Canal revenues, tolls and expenditures.

- Fish.** 1850. A. J. 73:23
Hunt. 1851. A. J. 74:12,
 1199-1201
 1852. A. J. 75:15,17
Clark. 1855. A. J. 78:11, 684-87
 1856. A. J. 79:98
King. 1857. A. J. 80:11-12
 1858. A. J. 81:123-24
Morgan. 1859. A. J. 82:10-11
 1860. A. J. 83:12-13,
 15, 465-70
 1861. A. J. 84:13-15
 1862. A. J. 85:11-12
Seymour. 1863. A. J. 86:90
 1864. A. J. 87:14-15
Fenton. 1865. A. J. 88:13
- Fenton.** 1866. A. J. 89:21-22
 1867. A. J. 90:32-33
 1868. A. J. 91:16-17
Hoffman. 1869. A. J. 92:15-18
 1870. A. J. 93:13, 15
 1871. A. J. 94:19
Dix. 1873. A. J. 96:17
Tilden. 1875. A. J. 98:28-30
 1875. S. 64
 1876. A. J. 99:23-25
Robinson. 1877. A. J. 100:14-15
 1879. A. J. 102:18-19
Cornell. 1880. A. J. 103:14-15
 1881. A. J. 104:16
 1882. A. J. 105:70
Cleveland. 1883. A. J. 106:13-14

f Free tolls. "The adoption of the amendment to the Constitution abolishing tolls on the canals renders it necessary for the present Legislature to provide by tax for their maintenance and repair."

Cleveland. 1883. A. J. 106:14

g Free tolls: increase of commerce. **Cleveland.** 1884. A. J. 107:14-15

1385

Motive power**a "I recommend that you make a suitable appropriation of money to enable the Canal Board to test the merits of several projected methods of the application of steam power to propelling canal boats."**

Hoffman. 1871. A. J. 94:20

- b Advantages of steam power. Dix. 1873. A. J. 96:18
- c "Improvement of water way will facilitate the use of steam canal boats." Tilden. 1875. A. J. 98:28
- d Electricity. "I recommend that proper provision be made by law to encourage and facilitate experiments in this direction under the supervision of the Superintendent of Public Works." Flower. 1893. A. J. 116:20-21
- e Electric motive power: advantages. Flower. 1894. A. J. 117:21-24
- f Electric motive power: result of experiments. Morton. 1896. A. J. 119:25

1393

Bridges. Tunnels*See also 2700, Roads*

- a "Necessity of rendering laws on roads and bridges more effectual." Jay. 1796. A. J. 20:6

1411

Telegraph and telephone*See also 500, Corporations; 845, Taxation; 2040, Labor*

- a Pacific telegraph line completed. Morgan. 1862. A. J. 85:24

1422

Commerce and industry (general)

- a "Instead of our embargo law...some new provision ought to be substituted for permitting a communication of the necessities between us and our sister states." Clinton, G: 1778. A. J. 1:112
- b Recommended that the embargo be raised to allow grain to be sent to Rhode Island to relieve scarcity. Clinton, G: 1779. A. J. 2:50
- c Recommended that licenses be granted to export flour in exchange for salt. Clinton, G: 1779. A. J. 3:48
- d Recommended that laws be enacted for limitation of prices. Clinton, G: 1780. A. J. 3:88
- e Dissent to request of Legislature that grain and flour be impressed to prevent exportation. Clinton, G: 1781. A. J. 4 pt 2:38
- f Commerce is to be promoted by giving more power to Congress to regulate, if necessary, by enforcing fulfilment of contracts and payment of debts and by inspection of exports. Clinton, G: 1784. A. J. 7:6
- g Embargo placed on exports. Tompkins. 1808. A. J. 31:6; 32:7
- h Commercial relations with Canada. Yates. 1824. A. J. 47:10
- i Statistics of agricultural, commercial and manufacturing interests. Bouck. 1843. A. J. 66:38
- j "Spirit of age...interests of commerce demand...reciprocal trade with adjoining British provinces." Seymour. 1853. A. J. 76:20-21
- k "I recommend that a commission be created to examine into the commerce of New York, the cause of its decline, the means of its revival and to report conclusions." Black. 1898. A. J. 121:20-22
- m "I recommend that the Commerce Commission be allowed ample additional time to close its work and that it be given all needful aid." Roosevelt. 1899. A. J. 122:16-17

- n Suggestions relating to report of the Commerce Commission.
Roosevelt. 1900. A. J. 123:226-28

1425 Weights and measures

- a Department of Weights and Measures: duties.
Morgan. 1862. A. J. 85:19

1426 Sealers. Public scales. Standards

- a Recommending preliminary experiments in regard to standards for weights and measures. Clinton, D. 1828. A. J. 51:23
b "The office of Superintendent of Weights and Measures appears to be a sinecure and I recommend legislation looking to its abolishment."
Odell. 1901. A. J. 124:27

1464 Adulterations and imitations. Branding. Inspection

See also 956, Adulterations liable to affect public health

1466 Adulteration. Inspection

- a "Necessity of revising laws which direct inspection of staple commodities." Jay. 1776. A. J. 20:6
b Advisability of appointing separate inspector, at adequate salary, for each branch of inspection. Jay. 1800. A. J. 23:82
c Recommended that adequate sum be allowed inspector of ashes for new barrel to replace defective one, that New York ashes may bring as good price as others in markets. Clinton, D. 1822. A. J. 45:10
d Message relative to adulteration of potash. Throop. 1832. A. J. 3, 260
e "You will relieve commerce and agriculture of unnecessary burdens by reducing the number and emoluments of inspectors."
Seward. 1839. A. J. 62:18 Bouck. 1843. A. J. 66:32

1493 Petroleum products

- a Oil inspection: regulations and precautions necessary.
Cornell. 1881. A. J. 104:2117-19
b Oil inspection: objection to measures proposed.
Cornell. 1882. A. J. 105:886

1505 Associations. Exchanges. Speculation

1507 Speculation

- a "An unregulated spirit of speculation has within the past year prevailed to an unprecedented extent. . . You should be careful to avoid encouraging it." Marcy. 1836. A. J. 59:21-28 1838. A. J. 61:14

1532 Regulation and licensing of trades and occupations

1538 Auctions and auctioneers

- a Questioned whether auctioneers should hold appointment under the government or the business should be thrown open.
Lewia. 1806. A. J. 29:9

- b Need of amending act regulating appointment of auctioneers.
Yates. 1824. A. J. 47:8
- c Objections to licensing limited number of auctioneers. Remedy suggested.
Van Buren. 1829. A. J. 52:14-15
- d "Previous to 1838, such sales were required to be made by persons appointed by the Governor and Senate. It was urged...that it was a monopoly injurious to trade and it was abolished. It is worthy of inquiry whether plan now pursued is not defective in...securing payment of duties."
Seward. 1841. A. J. 64:20-21

1590 **Miscellaneous trade regulations**

- a Instalment plan of selling furniture: objections to proposed restrictions in this business.
Cornell. 1882. A. J. 105:1027-28

1596 **Legal holidays. Public holidays**

- a "I suggest the propriety of a new holiday to be known as Harvest day."
Flower. 1894. A. J. 117:33
- 1604 **Election day**
 - a "An effectual means of securing legal voters to exercise the right of voting would be to make the day of all general elections a legal holiday."
Morgan. 1860. A. J. 83:37
- 1612 **Labor day**
 - a "I recommend that the first Monday in September in each year or some other day that may be deemed appropriate may be made by statute a legal holiday to be known as "Labor day."
Hill. 1887. A. J. 110:24-25
- 1626 **Thanksgiving day**
 - a Recommended that last Thursday in July be observed as day of humiliation, fasting and prayer.
Tompkins. 1812. A. J. 35:476
 - b Recommended that day of thanksgiving and prayer be observed.
Tompkins. 1815. A. J. 38:278

1630 **Encouragement of industries**

- a Importance of encouraging commerce and manufactures, specially of articles of export and iron and gunpowder for home use.
Clinton, G. 1786. A. J. 9:6
Tompkins. 1808. A. J. 31:8
1788. A. J. 11:7; 12:5
1810. A. J. 33:11
Jay. 1796. A. J. 19:5
1812. A. J. 35:10
- b Importance of encouraging manufactures, specially of clothing.
Tompkins. 1814. A. J. 39:12; 40:8
Clinton, D. 1822. A. J. 45:8
Clinton, D. 1818. A. J. 41:8
Yates. 1824. A. J. 47:11
1820. A. J. 43:10
- c Good results of premiums distributed through county agricultural societies from state fund.
Clinton, D. 1820. A. J. 43:10

"Wise to continue this system under such modifications as are deemed advisable." Clinton, D. 1825. A. J. 48:11-12

1826. A. J. 49:13

"I doubt the policy of granting rewards."

Throop. 1832. A. J. 55:21

d Recommended that inventors of improvements in agriculture, mechanics and manufactures be rewarded, as patents are of little protection. Clinton, D. 1825. A. J. 48:12 1826. A. J. 49:13

e Good results from appropriation of \$8000 a year to encourage agriculture. Recommendation that it be continued.

Wright. 1845. A. J. 68:41-42

1633

Bonus. Exemptions. Bounty

See also 1282, Railroads

a Recommended that production of maple sugar be encouraged.

Clinton, G. 1791. A. J. 14:4

b Recommended that culture of hemp, flax and tobacco be encouraged by bounty.

Clinton, D. 1828. A. J. 51:11

Van Buren. 1829. A. J. 52:17

c Amount of various bounties paid. Bouck. 1844. A. J. 67:21

1653 Silk culture

a "Citizens in 15 counties have responded to desire of Legislature to introduce culture of silk and \$964 has been paid as bounty."

Seward. 1842. A. J. 65:16

1662

Expositions

See also 1835, Fairs

a Industrial Exhibition: plan. Seymour. 1853. A. J. 76:21

b Centennial Exhibition: organization of state commission recommended.

Dix. 1874. A. J. 97:36

b1 Centennial Exposition. "I recommend a moderate appropriation of money."

Tilden. 1875. A. J. 98:16

c Centennial Exhibition: State Centennial Board.

Tilden. 1876. A. J. 99:37

d International Exposition at New York 1883: advisability.

Cornell. 1882. A. J. 105:89

e New Orleans Exposition: urges representation.

Hill. 1885. A. J. 108:30

f World's Fair in 1892. "I need not impress upon Legislature the necessity of encouraging by every proper means the holding of the exhibition in the city of New York."

Hill. 1890. A. J. 113:45-46

g Urges passage of bill authorizing holding World's Fair in New York city.

Hill. 1890. A. J. 113:194-96

h World's Fair 1892. "I recommend such legislation as may be deemed necessary to facilitate a proper exhibition of the state's resources."

Hill. 1891. A. J. 114:25-26

i World's Fair 1892. "Provision for state representation should be liberal but not extravagant."

Flower. 1892. A. J. 115:25

j World's Fair. Additional appropriation recommended.

Flower. 1893. A. J. 116:22

- k** California Midwinter International Exposition: naming of New York day. Flower. 1894. A. J. 117:30
- m** Antwerp International Exposition: question of representation referred to Legislature. Flower. 1894. A. J. 117:30
- n** Cotton States Exposition at Atlanta Ga., 1895: recommends representation. Morton. 1895. A. J. 118:2498-99
Disposition of New York State building. Morton. 1896. A. J. 119:33
- p** Mexican Exposition: recommends representation of New York Morton. 1896. A. J. 119:32
- r** Pan American Exposition: suggestions. Roosevelt. 1900. A. J. 123:47

1675

Immigration

- a** Public lands to be sold to hasten settlement of state by immigration. Clinton, G. 1784. A. J. 7:6
- b** Recommended that action be taken to prevent landing of convicts sent from foreign country. Marcy. 1833. A. J. 56:12
- c** Recommended that immigration be encouraged by granting citizenship, freedom of worship and schools. Seward. 1839. A. J. 62:21-22
- d** Commissioners of Immigration and their work. Fish. 1849. A. J. 72:21-22
- e** Protection of emigrants. Fish. 1850. A. J. 73:31
- f** Relief of sick emigrants. Seymour. 1853. A. J. 76:14
- g** Commissioners of Emigration: duties. Clark. 1856. A. J. 79:108-10
King. 1857. A. J. 80:25-26
- i** Recommends appropriation for needs of Commissioners of Emigration. Clark. 1856. A. J. 79:909-10
- j** Accommodations for emigrants. Morgan. 1860. A. J. 83:31
- k** "I recommend a revision of the laws with reference to quarantine and the Commissioners of Emigration not so much for the introduction of new provisions as for the purpose of explaining and reconciling existing laws." Morgan. 1861. A. J. 84:25
- m** Encouragement of immigration. Fenton. 1868. A. J. 91:24-25
- n** Castle Garden. Bureau of Labor. Hoffman. 1869. A. J. 92:25-26
- p** Decrease of immigration commutation fee. Dix. 1873. A. J. 96:16
1874. A. J. 97:19-20
- q** Summary of statistics for 15 years. Tilden. 1875. A. J. 98:47
- r** Immigration commutation fees declared unconstitutional. Tilden. 1876. A. J. 99:909-11
Robinson. 1877. A. J. 100:18-19
- s** "Legislation is necessary for the protection of emigrants on their arrival." Tilden. 1876. A. J. 99:909-11
- t** "It seems necessary that some provision be made by which the public faith may be kept with the emigrants." Robinson. 1877. A. J. 100:18-19
- u** "It is recommended that the Legislature take some formal action in behalf of a bill to regulate immigration recently introduced in Congress." Cornell. 1880. A. J. 103:20-21

- v Immigration: statistics of number, 1872-1881.
 - Cornell. 1882. A. J. 105:86
 - Hunt. 1852. A. J. 75:23
 - Seymour. 1854. A. J. 77:17
 - Clark. 1855. A. J. 78:18
 - Morgan. 1859. A. J. 82:22
 - 1862. A. J. 85:19
 - Fenton. 1865. A. J. 88:17
 - Hoffman. 1870. A. J. 93:20
 - Tilden. 1876. A. J. 99:909-11
 - Cornell. 1880. A. J. 103:20-21
 - 1881. A. J. 104:23
- w Commissioners of Emigration: increase of appropriation urged.
 - Cornell. 1882. A. J. 105:86
- x Reorganization of Department of Immigration.
 - Cleveland. 1884. A. J. 107:27
- y "Immigration should be checked."
 - Black. 1898. A. J. 121:26-27

1679

Banking

See also 500, Corporations; 843, Taxation of banks

- a Evil results of too many banks and duty of checking bank mania.
 - Tompkins. 1812. A. J. 35:8-10
- b Legislature prorogued for 60 days to give time to consider dangers of incorporating the Bank of America, in New York, in which British capital is likely to control.
 - Tompkins. 1812. A. J. 35:332-33
- c Evil results of improper banking operations on currency and business. Immediate interference of Legislature needed.
 - Clinton, D. 1818. A. J. 41:15
 - 1819. A. J. 42:17
 - Clinton, D. 1827. A. J. 50:15
 - Van Buren. 1829. A. J. 52:11-14, 172
- d New bank law, creating Board of Examining Commissioners and a safety fund.
 - Throop. 1830. A. J. 53:26
- e Dangers of unnecessary increase in number of banks; need of better regulation of banking business.
 - Marcy. 1834. A. J. 57:26-30
 - 1835. A. J. 58:24-26
 - Marcy. 1836. A. J. 59:21-26
 - 1837. A. J. 60:24
- f Recommended that business distress caused by removal of United States deposits be remedied by issue of state stock and by loaning this stock to New York city banks.
 - Marcy. 1834. A. J. 57:531-37
 - Good effects of the loan law, though an actual loan has not been necessary.
 - Marcy. 1835. A. J. 58:10-12
- g "An unregulated spirit of speculation has within the past year prevailed to an unprecedented extent... You should be careful to avoid encouraging it."
 - Marcy. 1836. A. J. 59:21-28
 - 1838. A. J. 61:14
- h "Companies incorporated by other states have established offices in New York city and have received deposits and discounted notes or bills. This in my opinion is in contravention of the laws of the state."
 - Marcy. 1836. A. J. 59:28
- i Recommended that in view of business distress caused by fire in New York \$2,000,000 of canal money be loaned to safety fund banks there, to be regarded as so much increase of capital and that if necessary their abilities be still further enlarged as to amount and time.
 - Marcy. 1836. A. J. 59:67-69

- j Recommended that law forbidding individuals to receive deposits and make discounts be repealed but that they be not allowed to issue notes. **Marcy.** 1837. A. J. 60:21-22 1838. A. J. 61:12-13
- k "The state has repealed the restraining laws and... authorized the business of banking by associated individuals without legislative charters." **Seward.** 1839. A. J. 62:19-20
- m "The policy found most conducive to public welfare has been to desist from chartering new banks and from legislation hostile to those in existence... to require not only prompt redemption of their notes but that notes shall be kept in good credit in the state." **Seward.** 1841. A. J. 64:24
- n Need of laws for the organization and management of banks. **Young.** 1848. A. J. 71:18
- p Objections to use of municipal stocks in banking. **Seymour.** 1854. A. J. 77:23-24
- q "I recommend passing a law so far reforming and restraining the traffic in public securities as to divest it of this pernicious [gambling] feature." **Clark.** 1855. A. J. 78:25-27
- r Protective legislation for state banks advised. **Seymour.** 1864. A. J. 87:13
- s "An act that should throw the sanction of the law over the transition from state to national institutions and that should render the change more expeditious... would be beneficial." **Fenton.** 1865. A. J. 88:11-12
- 1680 Inspection. Reports. Departments**
- a Banks: statement of condition.
- | | |
|--------------------------------------|---------------------------------------|
| Seymour. 1853. A. J. 76:21-22 | Hoffman. 1871. A. J. 94:14-15 |
| Clark. 1855. A. J. 78:12 | 1872. A. J. 95:13 |
| 1856. A. J. 79:100-1 | Dix. 1873. A. J. 96:13 |
| King. 1857. A. J. 80:15 | 1874. A. J. 97:16-17 |
| Morgan. 1860. A. J. 83:23-24 | Tilden. 1875. A. J. 98:44-45 |
| 1861. A. J. 84:22 | 1876. A. J. 99:37 |
| 1862. A. J. 85:18 | Cornell. 1880. A. J. 103:17-18 |
| Seymour. 1863. A. J. 86:90 | 1881. A. J. 104:18-19 |
| Fenton. 1865. A. J. 88:11-12 | 1882. A. J. 105:73 |
| 1866. A. J. 89:16 | Cleveland. 1883. A. J. 106:16 |
| Hoffman. 1869. A. J. 92:21-22 | 1884. A. J. 107:16-17 |
| 1870. A. J. 93:17-18 | Black. 1898. A. J. 121:18 |
- b "The solvency of the banks and the protection of depositors would be better assured if one or more examinations in each year were made compulsory." **Cleveland.** 1883. A. J. 106:17
- c "Legislature might determine the expediency of placing all private banks receiving deposits under the inspection and limited authority of the Superintendent of the Banking Department." **Hill.** 1885. A. J. 108:16
- 1682 Bank notes**
- a Disordered state of currency, brought about chiefly by improper banking operations. Immediate interference of Legislature needed. **Clinton, D.** 1818. A. J. 41:15 **Clinton, D.** 1827. A. J. 50:15-16
1819. A. J. 42:17 **Van Buren.** 1829. A. J. 52:11-14

- b "Recommended that provision be made to prohibit issue and circulation of all bank notes under \$5, with view to introduce gold and silver." **Marcy.** 1835. A. J. 58:22-24
- c "The act . . . prohibiting circulation of small bills has begun to operate on currency and promises to produce beneficial results." **Marcy.** 1836. A. J. 59:27
- d To relieve business panic, a law allowing suspension of specie payments for a year was passed and thus banks were saved from losing their charters. It is recommended that means be taken to avert if possible the recurrence of such trouble. **Marcy.** 1838. A. J. 61:13-20
- e Message in regard to specie payments and recommending issue of state stocks. **Marcy.** 1838. S. 70
- f "The law prohibiting banks from issuing bills less than \$5 is unwise . . . I therefore recommend an unconditional repeal." **Seward.** 1839. A. J. 62:18
- g "To induce an unnatural circulation of bills from other states by permitting engagements for their redemption in this state will expose us to loss. . . ." **Seward.** 1839. A. J. 62:20
- h Need of reform in laws regulating issue of bank bills. **Seward.** 1840. A. J. 63:21-23
- i "The law concerning redemption of bank notes has had beneficial operation." **Seward.** 1841. A. J. 64:15
- j "To guard against fraudulent excesses of circulation, I suggest that safety fund institutions be required to receive their circulating notes from the Bank Commissioners or the Comptroller." **Seward.** 1842. A. J. 65:13
- k "The bill holder should be protected from loss and inconvenience. The safety fund system was designed mainly to this end and while it remained adequate it . . . gave greater security than any other system. . . I recommend that circulating notes should be registered and countersigned by a public officer." **Bouck.** 1843. A. J. 66:32-35
- m Recommended that Comptroller be authorized to make loan on credit of safety fund to redeem bills of insolvent safety fund banks. **Bouck.** 1844. A. J. 67:21-22
- n Under the new Constitution, law must provide for registry of all bills issued as money and require ample security for redemption in specie. It is recommended that banks be required to contribute annually to a fund for redeeming notes of insolvent banks. **Young.** 1847. A. J. 70:20
- p State stock on hand to secure redemption of notes of banks. Inadvisability of receiving United States stocks as basis of issues. **Young.** 1848. A. J. 71:18-19

1684 Capital

- a "Whatever value is given to the stock above the sum paid for it, in consequence of the franchise or privileges granted to the corporation may be withheld from the subscribers and rightfully claimed by the state." **Marcy.** 1834. A. J. 57:26-30
- b Statement of securities of banks doing business. **Bouck.** 1844. A. J. 67:22

- c "I am of the opinion that the whole capital stock should be actually paid up before the new bank is authorized to commence business."
Morton. 1895. A. J. 118:28-29
- 1687 **Dissolution. Insolvency**
See also 523, Corporations
- a "19 associations under general banking law and 5 safety fund institutions have been closed. I recommend that the bank fund be replenished without delay and exempted from liability for private deposits."
Seward. 1842. A. J. 65:13
- b Failure of several banks and statement of their affairs.
Bouck. 1843. A. J. 66:33-35
- c Statement of safety fund.
Wright. 1846. A. J. 69:36
- d "I commend to your consideration such measures as will tend to a more speedy and less expensive mode of proceeding for winding up the affairs of insurance companies and banks that have failed."
Robinson. 1879. A. J. 102:31-32
- 1691 **Loans**
- a "I suggest a law restraining banks from making loans on the hypo-
cation of stocks beyond a reasonable percentage of their capital."
Clark. 1856. A. J. 79:101-2
- b "I suggest that no officer or employee of any bank should be al-
lowed to borrow directly or indirectly any of its funds without first
obtaining consent of at least a quorum of the board of directors."
Flower. 1894. A. J. 117:40
- 1695 **Reserve. Surplus**
- a Banks. "I submit the expediency of requiring by law under ade-
quate penalty that every bank shall keep on hand 25% in coin on the
amount of all its cash liabilities exclusive of its notes."
King. 1858. A. J. 81:121-22
- b "I suggest that banks be obliged to set aside a certain proportion
of their net profits each year as a surplus account until such surplus
equals 20% of the capital stock."
Flower. 1894. A. J. 117:40
- 1698 **Trust and safe deposit companies**
- a "Some legislation is desirable for the regulation of that class of
moneyed corporations known as trust, loan and indemnity, guarantee
and safe deposit companies."
Dix. 1874. A. J. 97:16
- b Trust companies. "Their powers and privileges should be uniform
and more definitely defined and the authorization to conduct such
business should be obtained through the banking department."
Hill. 1885. A. J. 108:16
- c "A general law for the incorporation of trust, loan and mortgage
companies is made most apparent to the end that the powers, rights
and liabilities of all such corporations shall be uniform."
Hill. 1886. A. J. 109:1177-80
- d "I recommend a general law for the incorporation of trust com-
panies which will subject all trust companies alike to the supervision,
regulation and inspection of the Superintendent of the Banking De-
partment."
Hill. 1887. A. J. 110:14

- e Capital of trust companies should not be less than \$20,000.
Hill. 1888. A. J. 111:531

1708

Savings banks

- a Bank for savings, in New York favorably noticed and recommendation made that it be allowed to make loans on real estate.

Clinton, D. 1820. A. J. 43:14

- b "I ask your attention to the necessity of being very cautious in the enactment of charters for savings banks. I recommend a general law applicable to all savings banks restricting the amount which may be held on deposit for any one depositor to a moderate sum."

Hoffman. 1872. A. J. 95:13-14

- c "I suggest a general law defining their powers and the repeal of all special privileges inconsistent with it. Also the consideration of the Legislature whether the classes of securities in which these institutions invest should not be prescribed by law and violation made a misdemeanor."

Dix. 1873. A. J. 96:14

- d "These institutions should not be allowed to pay more than 5% interest on deposits... It is also recommended that no director or officer of a savings bank shall be a director or officer of any bank of discount in which its moneys are deposited."

Dix. 1874. A. J. 97:17

- e "Frequent reports by these institutions should be required. The provisions regulating the character of their investments should be revised with a view to secure greater safety."

Tilden. 1876. A. J. 99:38

- f "I recommend a reexamination of the general law of 1875 regulating these institutions."

Robinson. 1877. A. J. 100:19-20

- g "The laws which govern both the department of supervision and the banks might be wisely amended."

Robinson. 1878. A. J. 101:27-28

- h "Safeguards which surround them should be jealously protected."

Cleveland. 1884. A. J. 107:17

1710 Inspection. Reports

- a "An amendment to existing laws requiring or at least authorizing a personal examination of these institutions under the direction of the Superintendent of the Bank Department would secure more safety and efficiency in their management."

Hoffman. 1870. A. J. 93:18

1712

Deposits

- a "The law... relative to unclaimed dividends and deposits operates unfavorably on savings banks... I recommend a revision of this law and modification of it in relation to savings banks."

Marcy. 1836. A. J. 59:28

1713

Investments. Reserves

- a "Each banking institution should be independent of each other and the available funds of savings banks should be deposited in such

manner as to be beyond the perils which may involve the discount banks." Morton. 1895. A. J. 118:29

1718 Building and loan associations

- a "General corporation law should be amended to inhibit such associations having a name which conveys the idea that they are banking institutions." Roosevelt. 1900. A. J. 123:33-34
- b "Legislation is recommended that will serve to prevent speculative dealing." Odell. 1901. A. J. 124:43-44

1732 Insurance

See also 500, Corporations; 844, Taxation of insurance companies

- a Statistics of companies and business.

<p>Morgan. 1861. A. J. 84:23 Hoffman. 1870. A. J. 93:17 1871. A. J. 94:15-16 1872. A. J. 95:15 Dix. 1873. A. J. 96:14 1874. A. J. 97:17-18 Tilden. 1875. A. J. 98:45 1876. A. J. 99:39-40</p>	<p>Cornell. 1880. A. J. 103:17 1881. A. J. 104:19 1882. A. J. 105:74-75 Cleveland. 1883. A. J. 106:17-18 1884. A. J. 107:17-19 Black. 1898. A. J. 121:18 Odell. 1901. A. J. 124:41-42</p>
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- b "The laws which govern both the departments of supervision and the companies might be wisely amended." Robinson. 1878. A. J. 101:27-28
- c "I suggest that steps be taken to make the Insurance Department more useful and less expensive and that the law touching the entire question of insurance be reduced to a plain and simple enactment." Cleveland. 1883. A. J. 106:17-18
- d "If any legislation could lessen the number of weak companies it should be passed." Black. 1897. A. J. 120:18

1733 State departments

- a "I am of the opinion that the wisest legislation in regard to the Insurance Department would be to abolish it and to return its few necessary powers to the Comptroller's office." Robinson. 1879. A. J. 102:31

1743 Dissolution. Insolvency

- a "I commend to your consideration such measures as will tend to a more speedy and less expensive mode of proceeding for winding up the affairs of insurance companies and banks that have failed." Robinson. 1879. A. J. 102:31-32

1747 Investments

- a "Some amendment of the general law for creating insurance companies is deemed necessary to prevent fraudulent practices in the mode of investing the capital stock." Morgan. 1859. A. J. 82:16

1754

Life and accident

1758(5)

Reinsurance. Reserve

- a "Calculation of the reserves on life insurance policies should be made upon a rate not higher than 4%."

Cornell. 1881. A. J. 104:19

1759

Mutual insurance

- a Cooperative: insurance regulations adopted.

Cleveland. 1884. A. J. 107:18

1761

Fraternal beneficiary societies

- a "Societies doing a cooperative insurance business should not be exempt from the insurance laws." Cornell. 1881. A. J. 104:672-73
- b "The general law providing for the organization of these societies can be amended to the advantage of bona fide associations."

Cornell. 1882. A. J. 105:75

1764

Fire and other casualty

- a "The losses which have fallen on the insurance companies in New York city have suspended the operations of most of them and new incorporations will probably be wanted. The public interest requires that their capital should be large, their risks widely distributed and their proceedings subjected to examination..."

Marcy. 1836. A. J. 59:26-27, 67-68

- b "Legislature should determine whether or not there is substantial reason for not requiring marine companies to deposit securities in the Insurance Department."

Cornell. 1880. A. J. 103:17

1800

Navigation. Waterways

See also 1130. Steamboats (safety); 1393. Bridges

- a Recommended that law of the road be applied to steamboats and that measures for public safety be taken.

Clinton, D. 1826. A. J. 49:16

- b Matter of pension for Fulton's family. Clinton, D. 1826. A. J. 49:16

1803

Harbors

- a Commissioners appointed to examine and report on harbors of Buffalo, Little and Great Sodus bays. Clinton, D. 1819. A. J. 42:20

1820. A. J. 43:13

- b Recommended that commissioner be appointed to adopt means for protection of New York harbor. Yates. 1824. A. J. 47:12-13

- c "There is no subject of more immediate interest to the people of this state than the construction of safe and commodious harbors on the western lakes."

Young. 1848. A. J. 71:17

- d Harbor Commissioners: recommends appropriation for payment.

Clark. 1856. A. J. 79:114

- e Commissioners of harbor encroachments: work.
King. 1857. A. J. 80:24-25 1858. A. J. 81:128
- f Recommends removal of obstructions in New York harbor.
Dix. 1874. A. J. 97:35-36

Harbor masters

- g New York city harbor masters and port wardens. "There should be an officer...who should have a central office where a list of all vacant berths should be kept and who should establish a general and uniform system of regulations." Morgan. 1860. A. J. 83:33
 - h "Stringent provisions against the employment of assistants under any pretext whatever and against demanding, receiving, offering or paying gratuities should be adopted." Morgan. 1861. A. J. 84:28
 - i "I recommend that the Governor be empowered to appoint the health officer and the harbor masters including captain of the port without the consent of the Senate and to remove them or any of them at pleasure." Hoffman. 1872. A. J. 95:18-19
 - j "I recommend that their compensation be limited to a reasonable remuneration and that the fees in excess of the amount be paid into the state treasury." Dix. 1873. A. J. 96:24
 - k "Services required by those officers might be performed by the police of the city or through the dock department and thus exempt commerce from the heavy tax now imposed upon it." Robinson. 1878. A. J. 101:26
 - m "If their services are to be continued, it will be necessary for Legislature to provide for their compensation." Cornell. 1880. A. J. 103:22-23
 - n. "Necessity exists for legislation in regard to the jurisdiction and authority of port wardens...It is essential that they be compensated in conformity to the law." Cornell. 1882. A. J. 105:87
 - p "If the office is necessary, some way should be devised by which service can be legally compensated." Cleveland. 1883. A. J. 106:22-23
 - q "I recommend the repeal of all laws by which the office of harbor master was created or is in manner recognized and the transfer of the duties heretofore performed by harbor masters to the Department of Docks." Cleveland. 1884. A. J. 107:29
- 1804 Wharves. Docks. Piers. Wharf lines
- a Recommended that Commissioners of Land Office have power to authorize erection of wharves etc. on lakes.
Clinton, D. 1825. A. J. 48:19
 - b "I recommend the appointment of a proper commission to investigate...[encroachments by piers upon the harbor of New York city]." Seymour. 1854. A. J. 77:25
 - c New York harbor. "Wharf lines on both shores should be established beyond which docks should not be extended." Fenton. 1868. A. J. 91:26
 - d "Commercial needs of the metropolis demand that there should be speedy and wise legislation with reference to its wharves and piers." Hoffman. 1869. A. J. 92:39

1805

Improvement of waterways

- a "I recommend the improvement of such northern branches of the Hudson as may be made navigable." Seward. 1839. A. J. 62:24
- b "There is no subject of more immediate interest to the people of this State than the construction of . . . harbors and improvement of navigation on our rivers." Young. 1848. A. J. 71:17-18

1812

Obstructions

- a Need of removing obstructions in Hudson below Albany.
Clinton, G. 1803. A. J. 26:8 Yates. 1824. A. J. 47:12
1804. A. J. 27:8 Marcy. 1834. A. J. 57:22-23
Clinton, D. 1818. A. J. 41:8
1820. A. J. 43:13

1816

Pilotage. Towage. License of pilots

- a Communication from Minister of Great Britain regarding pilot law for port of New York. Clinton, D. 1818. A. J. 41:15
- b Complaint regarding pilots of New York harbor. Investigation and action advised. Marcy. 1837. A. J. 60:26
- c Commissioners of Pilots: duties. Morgan. 1861. A. J. 84:27
- d "The laws relating to pilotage in the harbor of New York cause much complaint." Cornell. 1880. A. J. 103:23
- e "It is the duty of Legislature to regulate the pilot fees so that they will cease to be higher than at other ports in this and foreign countries." Cleveland. 1884. A. J. 107:29-30

1819

Seamen

- a Detention of our citizens on board vessels by a foreign government.
Clinton, G. 1804. A. J. 27:7
Tompkins. 1810. A. J. 33:11

1826

Agriculture

See also 956, 1466, Adulteration; 1144, Communicable diseases of animals; 2343, Agricultural schools

- a It is advisable to constitute a board to diffuse agricultural knowledge, introduce seeds, implements and animals, to explore minerals and publish periodically observations and treatises on agriculture. A professorship of agriculture might be connected with the board.
Clinton, D. 1818. A. J. 41:7
- b Board of Agriculture should be instituted and given authority to take statistics of productions, resources, births, marriages and deaths.
Clinton, D. 1819. A. J. 42:14
Good effects of establishment of board. Its powers and funds to be enlarged. Clinton, D. 1820. A. J. 43:10; 44:12
- c Importance of encouraging agriculture. Marcy. 1833. A. J. 56:22
- d "A board composed of practical farmers and scientific men would possess great facilities for concentrating this various information" on agricultural subjects. Marcy. 1834. A. J. 57:19-20

- e "I recommend to your attention the formation of a board of agriculture." Seward. 1839. A. J. 62:31 1841. A. J. 64:25
- f Good results from appropriation of \$8000 a year to encourage agriculture. Recommendation that it be continued. Wright. 1845. A. J. 68:41-42
- g Advances in agriculture. Morgan. 1861. A. J. 84:30
- h "I would urge the concentration at Cornell University of the various agencies for promoting scientific agriculture." Flower. 1893. A. J. 116:25-28
- i "The establishment of a comprehensive bureau of agriculture consolidating under one executive head the various bureaus and agencies now existing would enable the state to carry out a definite and intelligent policy of agricultural encouragement." Flower. 1893. A. J. 116:22-25

1828

Experiment stations*See also 2343. Agricultural schools*

- a Recommended that a botanic garden in New York where agricultural experiments are made, be aided by appropriation. Lewis. 1806. A. J. 29:11
This botanic garden granted to Columbia College. Clinton, D. 1819. A. J. 42:15
- b Agricultural experiment station: location at Geneva. Cornell. 1882. A. J. 105:78
- c Agricultural experiment station: usefulness. Hill. 1885. A. J. 108:31

1832

Statistics. Weather and crop service

- a Recommended that board of agriculture be instituted and given authority to take statistics of births, marriages and deaths, agricultural and mineral production and state of industry. Clinton, D. 1819. A. J. 42:14 1820. A. J. 44:21

1835

Associations. Fairs

- a The Society for Promotion of Agriculture and Useful Arts should be enabled to make agricultural experiments. Lewis. 1807. A. J. 30:7
- b "County societies should be enabled to distribute adequate premiums." Clinton, D. 1818. A. J. 41:7
- c Good results of premium fund for local societies, organized in 41 counties. Clinton, D. 1820. A. J. 43:10
- d "Our former agricultural societies... were dissolved in most of the counties... I would recommend their revival by state authority... I doubt the policy of granting any rewards." Throop. 1832. A. J. 55:21
- e "I submit... whether legislative sanction could not be extended to encourage organization of agricultural societies, free from defects hitherto fatal." Seward. 1839. A. J. 62:31

- f It has been suggested that agricultural societies be formed, upon the plan of that in Berkshire county, Massachusetts.

Seward. 1841. A. J. 64:25

- g Agricultural societies have been formed under auspices of state society and help of the Legislature, in 32 counties.

Seward. 1842. A. J. 65:16

- h Benefit of agricultural societies and commendation of them.

Bouck. 1843. A. J. 66:35

- i "With few exceptions, all the counties have organized agricultural societies."

Bouck. 1844. A. J. 67:28

Wright. 1845. A. J. 68:41-42

1838

Horticultural societies

- a Horticultural societies deserve most liberal encouragement.

Clinton, D. 1825. A. J. 48:12

1840

State associations and fairs

- a State Fair at Rochester is creditable and well attended.

Bouck. 1844. A. J. 67:28

- b Favorable notice of work of State Agricultural Society.

Wright. 1845. A. J. 68:41 1846. A. J. 69:43

- c "I recommend that the state now take under its own control the management of the State Fair." Roosevelt. 1900. A. J. 123:45

1844

Horticulture. Diseases and pests

See also 1630, Encouragement of industries

- a Recommended that in view of ravages of insect injurious to wheat any known remedies may be communicated to farmers.

Clinton, G: 1787. A. J. 10:7

1856

Noxious animals. Bounties

- a While bounties for destruction of wild animals are proper, they should not be given to extravagant extent, as in past.

Clinton, D. 1822. A. J. 45:15

1890

Forestry

- a Need of preserving timber supply. Clinton, D. 1822. A. J. 45:10

- b Forest preservation laws urged. Hill. 1885. A. J. 108:25

- c "I recommend the reorganization of the forest commission."

Flower. 1893. A. J. 116:30-32

- d Adirondack region: suggestions for forest preservation.

Flower. 1893. A. J. 116:30-32

- e Forest preservation: results of Forest Commission.

Flower. 1894. A. J. 117:18-19

- f Scientific forestry. "The knowledge necessary to the proper treatment of the woods must come through experiment. The management of this experiment should be placed in charge of the Regents or of the trustees of Cornell University." Black. 1898. A. J. 121:27-29
- g Necessity for state supervision. Black. 1898. A. J. 27-29
- h "There is need of improvement both in our laws and their administration." Roosevelt. 1900. A. J. 123:31-33
- i Supervision needed. Roosevelt. 1900. A. J. 123:31-33

1894

Forest preserves

See also 798, State parks

- a "The commissioners of state parks recommend that the wild lands now owned and held by the state be retained." Dix. 1874. A. J. 97:20
- b Adirondack region. "It is a question of serious import whether the state should any longer part with its title to land in this quarter." Cornell. 1882. A. J. 105:91-92
- c Adirondack region: recommendations respecting state lands. Cleveland. 1884. A. J. 107:37-39
- d "I would suggest the propriety of authorizing the appointment by the Governor of a commission to investigate the whole subject and to recommend to Legislature a plan for the creation of a state park in the Adirondacks and to fix and define the limits thereof." Hill. 1890. A. J. 113:80-81
- e Forest preserves, Adirondacks; suggestions for preserving. Flower. 1893. A. J. 116:30-32
- f "I trust that the Legislature will supplement the enactment of the forestry law by interposing its fiat against the partial destruction of the Adirondack park now threatened." Flower. 1893. A. J. 116:1975-77
- g Adirondack park. Recommends action to prevent loss of state lands through cancelation of tax sales. Flower. 1894. A. J. 117:2403-4
- h Adirondack region. "I urge speedy consideration of this subject—such consideration should include appropriation to ascertain the nature of titles adverse to the state and to recover and purchase." Black. 1897. A. J. 120:23-24
- i "I am more than ever impressed with the necessity of the state's acquiring and preserving the great forests." Black. 1898. A. J. 121:27-29
- j "We need to have our system of forestry gradually developed and conducted along scientific principles." Roosevelt. 1900. A. J. 123:31-33
- k "The law governing the work of the Forest Preserve Board should be amended so as to permit the selection of a member by the Governor, by and with the consent of the Senate, who with the two state officers now designated should constitute the Forest Preserve Board." Odell. 1901. A. J. 124:26-27

1900

Game and fish

- a "I recommend that in place of the present mass of incoherent legislation for the protection of game and fish—a single, plain and complete act be passed covering the entire statutory regulation on the subject." Robinson. 1879. A. J. 102:30
- b "Legislation for special localities unwise; if the present law is not satisfactory it should be made so by some general amendment or repealed." Cornell. 1880. A. J. 103:626-27
- c "Instead of just and stable laws that would command respect and obedience we have confusion and uncertainty." Cornell. 1881. A. J. 1042:1834-35

1909

Game

1913

Big game

1919

Deer

- a "Game laws of the state need amendment to the end that better protection of deer in the Adirondack region may be secured: (1) a shorter season in which deer may be hunted and (2) prohibition of hunting deer with hounds and floating." Morton. 1896. A. J. 119:30-31

1944

Birds

- a "The state should not permit within its limits factories to make bird skins or bird feathers into articles of ornament or wearing apparel." Roosevelt. 1900. A. J. 123:33

1959

Fish

1961

Fish culture

- a Suggestions for propagation of fish. Flower. 1893. A. J. 116:35
- b Fish hatcheries: results. Flower. 1894. A. J. 117:40-41

1966

Special methods of fishing

1971 Seining. Nets

- a "I suggest an act providing for the registration of nets and their use throughout the state under proper supervision." Flower. 1894. A. J. 117:41-42

2000

Shellfish. Miscellaneous

2011

Oysters

2013 Beds. Grounds

- a "It would seem a more businesslike policy if the Commissioners of Fisheries were empowered to make leases of oyster beds for only a limited period of time." Flower. 1893. A. J. 116:35-36

2020 •

Mines and mining

See also 500, Corporations

2038

Salt wells

- a** Recommended that salt springs be made as useful as possible and neighboring woods preserved. **Jay.** 1796. A. J. 20:6
- b** Recommended that salt springs be managed so as to yield some public revenue. **Clinton, G.** 1802. A. J. 25:6
Tompkins. 1812. A. J. 35:7
Yates. 1824. A. J. 47:13
- c** Recommended that board of commissioners be appointed to investigate salt wells and make suggestions of improvements in management. **Clinton, D.** 1825. A. J. 48:19
- d** Evasion of revenue tax at Salina. Lowering of import duty on salt threatens New York industry. Bounty may be advisable. **Throop.** 1831. A. J. 54:25-26
- e** State tax on salt reduced to 6 cents a bushel. **Throop.** 1832. A. J. 55:20
- f** Recommended that duty on manufacture of salt be reduced to the minimum, 6½ cents a bushel, to increase its use. **Marcy.** 1834. A. J. 57:30-31
- g** "There is no improvement of the revenue derived from the manufacture of salt... The manufacture demands legislative protection..." **Seward.** 1839. A. J. 62:10-11
- h** Report on salt springs and revenues. **Seward.** 1841. A. J. 64:12-13 **Bouck.** 1843. A. J. 66:28-29
1842. A. J. 65:20, 1004 1844. A. J. 67:20-21
- i** "I suggest reducing still lower the duty on the manufacture, with view to increasing the revenue and market." **Seward.** 1842. A. J. 65:20
- j** It is feared that salt manufacture must be abandoned on account of United States tariff laws and business depression, unless the state or United States averts disaster. **Seward.** 1842. A. J. 65:1004
- k** "It is important that the quality of our salt should be as perfect as possible... This subject demands your careful attention... I recommend that the superintendent be required before making any erection, to submit... plan and estimate and every month, estimate of expense for repairs." **Bouck.** 1843. A. J. 66:28-29
- m** Salt springs at Syracuse: output and revenue. **Clark.** 1856. A. J. 79:111 1870. A. J. 93:16-17
King. 1857. A. J. 80:23-24 1871. A. J. 94:114
1858. A. J. 81:123 **Dix.** 1873. A. J. 96:13
Morgan. 1860. A. J. 83:26 1874. A. J. 97:13
1861. A. J. 84:23 **Tilden.** 1875. A. J. 98:49
1862. A. J. 85:10 1876. A. J. 99:32
Hoffman. 1869. A. J. 92:19 **Cornell.** 1882. A. J. 105:77-78
- n** "I recommend that the duty be increased to 2 cents per bushel." **Morgan.** 1861. A. J. 84:24

- p Objections to sale of land on the salt spring reservation.
 Tilden. 1875. A. J. 98:1215-16
 Robinson. 1879. A. J. 102:1246
- q Onondaga salt springs. "These springs are a constant source of useless expense to the state and the disposition of them ought to be promptly considered and determined." **Morton.** 1895. A. J. 118:22

2040

Labor

See also 354. Convict labor; 1612. Labor day

- a Bureau of Labor Statistics: organization and duties.
 Cleveland. 1884. A. J. 107:34
- b "I recommend a measure providing for a special labor commission which should consider the general question of relation between capital and labor and report to the next Legislature what amendment tending to the welfare of the industrial classes can be made to our laws."
 Hill. 1888. A. J. 111:16
- c Factory law: provisions and benefits to labor.
 Flower. 1893. A. J. 116:17-20
- d "I believe it would be wise to encourage university settlement. The plan of university settlement is not so much to compose differences as to prevent them."
 Black. 1898. A. J. 121:26-27
- e "I recommend that the enforcement of the entire body of legislation relating to labor be placed under the Board of Factory Inspectors, and that Legislature provide for additional factory inspectors so as to bring the number up to 50." **Roosevelt.** 1899. A. J. 122:18-19
- f Bureau of Labor Statistics: nature and importance of work.
 Roosevelt. 1899. A. J. 122:21
- g Results of recent labor legislation.
 Roosevelt. 1900. A. J. 123:27-29
- h "I recommend such legislation as will accomplish the consolidation of the Board of Mediation and Arbitration, the Bureau of Labor Statistics and the State Factory Inspector's Department into a Department of Labor."
 Odell. 1901. A. J. 124:23-24

2044

General workshop regulations

See 2040

2082

Sweat shops

- a "The factory law should be amended so as to provide that no person should be given work who could not produce a certificate from an inspector stating that he occupied healthy and suitable quarters for the purpose of manufacturing." **Flower.** 1893. A. J. 116:18-20
- b Improvement in New York city. **Flower.** 1894. A. J. 117:35
- c "I suggest an amendment to the law which will provide that buildings used for manufacturing purposes must have a license or permit, such license or permit to be granted only on condition that

2020 •

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See also 500. Corporations

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- a Recommended that salt springs be made as useful as possible and neighboring woods preserved. Jay. 1796. A. J. 20:6
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- a "The factory law should be amended so as to provide that no person should be given work who could not produce a certificate from an inspector stating that he occupied healthy and suitable quarters for the purpose of manufacturing." Flower. 1893. A. J. 116:18-20
- b Improvement in New York city. Flower. 1894. A. J. 117:35
- c "I suggest an amendment to the law which will provide that buildings used for manufacturing purposes must have a license or permit, such license or permit to be granted only on condition that

2020 •

Mines and mining

See also 500, Corporations

2038

Salt wells

- a** Recommended that salt springs be made as useful as possible and neighboring woods preserved. **Jay.** 1796. A. J. 20:6
- b** Recommended that salt springs be managed so as to yield some public revenue. **Clinton, G.** 1802. A. J. 25:6
Tompkins. 1812. A. J. 35:7
Yates. 1824. A. J. 47:13
- c** Recommended that board of commissioners be appointed to investigate salt wells and make suggestions of improvements in management. **Clinton, D.** 1825. A. J. 48:19
- d** Evasion of revenue tax at Salina. Lowering of import duty on salt threatens New York industry. Bounty may be advisable. **Throop.** 1831. A. J. 54:25-26
- e** State tax on salt reduced to 6 cents a bushel. **Throop.** 1832. A. J. 55:20
- f** Recommended that duty on manufacture of salt be reduced to the minimum, 6½ cents a bushel, to increase its use. **Marcy.** 1834. A. J. 57:30-31
- g** "There is no improvement of the revenue derived from the manufacture of salt... The manufacture demands legislative protection..." **Seward.** 1839. A. J. 62:10-11
- h** Report on salt springs and revenues. **Seward.** 1841. A. J. 64:12-13
Bouck. 1843. A. J. 66:28-29
1842. A. J. 65:20, 1004
1844. A. J. 67:20-21
- i** "I suggest reducing still lower the duty on the manufacture, with view to increasing the revenue and market." **Seward.** 1842. A. J. 65:20
- j** It is feared that salt manufacture must be abandoned on account of United States tariff laws and business depression, unless the state or United States averts disaster. **Seward.** 1842. A. J. 65:1004
- k** "It is important that the quality of our salt should be as perfect as possible... This subject demands your careful attention... I recommend that the superintendent be required before making any erection, to submit... plan and estimate and every month, estimate of expense for repairs." **Bouck.** 1843. A. J. 66:28-29
- m** Salt springs at Syracuse: output and revenue. **Clark.** 1856. A. J. 79:111
King. 1857. A. J. 80:23-24
1858. A. J. 81:123
Morgan. 1860. A. J. 83:26
1861. A. J. 84:23
1862. A. J. 85:19
Hoffman: 1869. A. J. 92:19
1870. A. J. 93:16-17
1871. A. J. 94:14
Dix. 1873. A. J. 96:13
1874. A. J. 97:13
Tilden. 1875. A. J. 98:49
1876. A. J. 99:32
Cornell. 1882. A. J. 105:77-78
- n** "I recommend that the duty be increased to 2 cents per bushel." **Morgan.** 1861. A. J. 84:24

- p Objections to sale of land on the salt spring reservation.
 Tilden. 1875. A. J. 98:1215-16
 Robinson. 1879. A. J. 102:1246
- q Onondaga salt springs. "These springs are a constant source of useless expense to the state and the disposition of them ought to be promptly considered and determined." **Morton.** 1895. A. J. 118:22

2040

Labor

See also 354, Convict labor; 1612, Labor day

- a Bureau of Labor Statistics: organization and duties.
 Cleveland. 1884. A. J. 107:34
- b "I recommend a measure providing for a special labor commission which should consider the general question of relation between capital and labor and report to the next Legislature what amendment tending to the welfare of the industrial classes can be made to our laws."
 Hill. 1888. A. J. 111:16
- c Factory law: provisions and benefits to labor.
 Flower. 1893. A. J. 116:17-20
- d "I believe it would be wise to encourage university settlement. The plan of university settlement is not so much to compose differences as to prevent them."
 Black. 1898. A. J. 121:26-27
- e "I recommend that the enforcement of the entire body of legislation relating to labor be placed under the Board of Factory Inspectors, and that Legislature provide for additional factory inspectors so as to bring the number up to 50." **Roosevelt.** 1899. A. J. 122:18-19
- f Bureau of Labor Statistics: nature and importance of work.
 Roosevelt. 1899. A. J. 122:21
- g Results of recent labor legislation.
 Roosevelt. 1900. A. J. 123:27-29
- h "I recommend such legislation as will accomplish the consolidation of the Board of Mediation and Arbitration, the Bureau of Labor Statistics and the State Factory Inspector's Department into a Department of Labor."
 Odell. 1901. A. J. 124:23-24

2044

General workshop regulations

See 2040

2082

Sweat shops

- a "The factory law should be amended so as to provide that no person should be given work who could not produce a certificate from an inspector stating that he occupied healthy and suitable quarters for the purpose of manufacturing." **Flower.** 1893. A. J. 116:18-20
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- c "I suggest an amendment to the law which will provide that buildings used for manufacturing purposes must have a license or permit, such license or permit to be granted only on condition that

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Morgan. 1860. A. J. 83:26 1874. A. J. 97:13
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Hoffman. 1869. A. J. 92:19 Cornell. 1882. A. J. 105:77-78
- n "I recommend that the duty be increased to 2 cents per bushel." Morgan. 1861. A. J. 84:24

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- f Bureau of Labor Statistics: nature and importance of work.
 Roosevelt. 1899. A. J. 122:21
- g Results of recent labor legislation.
 Roosevelt. 1900. A. J. 123:27-29
- h "I recommend such legislation as will accomplish the consolidation of the Board of Mediation and Arbitration, the Bureau of Labor Statistics and the State Factory Inspector's Department into a Department of Labor."
 Odell. 1901. A. J. 124:23-24

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- b Improvement in New York city. Flower. 1894. A. J. 117:35
- c "I suggest an amendment to the law which will provide that buildings used for manufacturing purposes must have a license or permit, such license or permit to be granted only on condition that

the appointments of the building fulfil the requirements of the law for manufacturing purposes." Roosevelt. 1899. A. J. 122:19-20

- d "Supervision by local boards of health and deputy factory inspectors will result in much better hygienic condition."

Odell. 1901. A. J. 124:24

2085

Hours

- a "The professions embodied in it [the eight hour law] should be made good by such amendments as will render the fulfilment of its purpose certain." Hoffman. 1872. A. J. 95:23

- b "The demand of wage workers for shorter hours and increased compensation presents a subject entitled to consideration."

Hill. 1887. A. J. 110:23-24

2096

Public work

- a "If the law requiring an eight hour day [for state employees] is to remain on the statute books it should be enforced and Legislature should make it the particular business of somebody to enforce it."

Roosevelt. 1899. A. J. 122:21

2100

Wages

See also 451, Exemption from execution

2104 Period of payment

- a "There seems to be considerable interest manifested on the part of workingmen in favor of some proper statute requiring the weekly payment of wages by corporations." Hill. 1889. A. J. 112:23

2113

Employment

2113(5) Contracts

- a Apprentices laws. "The state should make due provision for the enforcement of all contracts affecting persons under age."

Hoffman. 1870. A. J. 93:22

2116 Unemployed

- a Causes of unemployed labor. Robinson. 1878. A. J. 101:19-20

2118 Children

See also 2172, Dependent and neglected children; 2270, Compulsory education

- a "It is most desirable that an act be passed abolishing labor by children under 14 years of age." Hill. 1886. A. J. 109:22

2125

Employers liability. Insurance

See also 1732, Insurance

2128

Workingmen's insurance

- a "It is represented that contributions required by act to provide for sick and disabled seamen are regarded as oppressive."

Bouck. 1843. A. J. 66:31

- b "A system of compulsory insurance of employees by employers has been suggested as the best way of solving the question."

Odell. 1901. A. J. 124:24-25

2130

Unions. Associations

- a Conspiracy law. "I recommend the repeal of this conspiracy law or such a modification of it as while it forbids a conspiracy to injure the general trade, will do away with that judicial construction which makes it equally criminal for citizens to combine for the purpose of securing an increase of the wages of labor or of establishing and maintaining prudential regulations for their mutual interest and protection." **Hoffman.** 1870. A. J. 93:21-22
- b "I recommend a general law for the incorporation of trade unions." **Hill.** 1887. A. J. 110:17

2134

Labor disputes

See also 749. Injunction

2136

Conciliation and arbitration

- a Establishment of courts of conciliations urged. **Clark.** 1856. A. J. 79:112-13
- b "Some system for the settlement of controversies between employers and employed should be devised." **Hill.** 1885. A. J. 108:32
- c "I recommend that provision be made by law for a commission which shall have the power to investigate the subject generally and especially the system of courts or boards of arbitration as they are established in other countries and shall report to the present or some future Legislature such a law as is necessary to secure the benefits of the system of arbitration to those interested in the advancement of the industries of this state." **Hill.** 1886. A. J. 109:22-23
- d Board of Arbitration appointed. **Hill.** 1887. A. J. 110:27
- e "Arbitration should be made compulsory as to controversies between corporations and their employees." **Hill.** 1891. A. J. 114:22-24
- f Board of Mediation and Arbitration: functions. **Roosevelt.** 1899. A. J. 122:21

2139

Strikes

- a "There is no express statute in our state which prohibits or regulates the employment of private detectives during labor strikes. The desirability of modifying the statute is suggested." **Hill.** 1891. A. J. 114:22-24
- b Buffalo strike 1892; switchmen; National Guard called out. **Flower.** 1893. A. J. 116:15-17

2140

Charities

See also 335. Corrections; 583. Corporations not for profit; 1761. Fraternal beneficiary societies

- a Charitable institutions. "I recommend the passage of an act requiring all such institutions to make their reports up to the 30th of September of the present year and up to the same date in succeeding years." **Robinson.** 1879. A. J. 102:28

- b Charitable institutions: women as trustees. "Public interests will be better conserved by leaving the selection of trustees to the discretion of the appointing power than to run the risk of making mandatory requirements which could not always be satisfactorily carried out."
Cornell. 1882. A. J. 105:1028-29

2142

State boards and officers

- a "I recommend the appointment of a board of commissioners to exercise a reasonable degree of supervision over these institutions."
Fenton. 1867. A. J. 90:22
- b Charitable institutions: management. "Change suggested contemplates the employment of a fit person vested with the supervision and control of these institutions and who should have no other business."
Cleveland. 1884. A. J. 107:23-26
- c State Board of Charities. "The best interests of the state will be subserved by the abolition of this entire board and the creation of a single headed department and an official to be known as the 'Commissioner of Charities' who shall have all the duties now exercised by that board."
Hill. 1886. A. J. 109:26-27
- d "I would recommend that the present board be abolished and the duties heretofore imposed upon it be discharged by a single commissioner selected by the Governor with the consent of the Senate together with such state officers as he chooses."
Odell. 1901. A. J. 124:25

2143

State institutions (general)

- a "I would suggest a more rigid system of accounting and economy with regard to the charitable institutions."
Morgan. 1862. A. J. 85:21-22
- b Charitable institutions: statistics of expenses and number of inmates.
Cornell. 1882. A. J. 105:81-82
Cleveland. 1883. A. J. 106:20-21
1884. A. J. 107:22-23

2144

Local boards, officers and institutions

- a City department of charities and corrections. Recommendations concerning New York.
Morgan. 1861. A. J. 84:27
- b "The extension of the jurisdiction of the State Board of Charities over the local prisons and poorhouses might lead to beneficial results."
Cornell. 1880. A. J. 103:20
- c "Present conditions should be reformed without delay."
Cornell. 1881. A. J. 104:22
- d "Unless some legislative action be taken that will insure local reforms no adequate relief may be expected [in county jails and poorhouses]."
Cornell. 1882. A. J. 105:83

2149

Poor relief

See also 260, Vagrancy; 2406, Pensions and relief

- a Report of moneys spent for relief of St Domingo refugees and advising further legislation thereon. Clinton, G: 1795. A. J. 18:112

Further report.

Jay. 1796. A. J. 19:6; 20:6
1798. A. J. 21:71-72

- b Recommended that indigent immigrants be objects of state charity.
Jay. 1796. A. J. 19:6-7 Clinton. 1827. A. J. 50:18

- c Recommended that Indian grants be paid regularly.
Jay. 1796. A. J. 20:5

- d Action recommended in regard to alien poor, as law has expired.
Jay. 1796. A. J. 20:6

- e Great burden of pauperism in New York shows need of revision
of poor laws. Clinton, D. 1818. A. J. 41:14

- f "I suggest whether it is not advisable that a commission be ap-
pointed to investigate and report upon the management and relief
of the poor and to propose legislation." Tilden. 1875. A. J. 98:16
1876. A. J. 99:36

- g "A wise and well digested general law on this subject is much
needed." Robinson. 1879. A. J. 102:1214

2155

Poorhouses

2157 Local institutions

- a "The establishment of county almshouses...has had a good
effect." Clinton, D. 1827. A. J. 50:17-18

Throop. 1830. A. J. 53:16 Marcy. 1833. A. J. 56:14-15
1832. A. J. 55:16 1834. A. J. 57:16-17

- b Bad management of poorhouses. Robinson. 1879. A. J. 102:22-23

2160

Sick and disabled

See also 1020, Communicable diseases

2165

Hospitals

See also 1023, Hospital for contagious diseases

- a Recommended that state aid be given a public fever hospital to
be built in New York. Yates. 1823. A. J. 46:14

2172

Children

See also 346, Reform schools; 371, Juvenile offenders; 474, Family; 2118,
2121, Employment

- a "I recommend to you an inquiry into the condition of pauper
children in the several counties and whether some provision ought
not to be made for removing them to asylums."

Hoffman. 1871. A. J. 94:17 1872. A. J. 95:16

2179

Local and private institutions

- a New York Orphan Asylum favorably noticed.

Clinton, D. 1825. A. J. 48:19 Throop. 1830. A. J. 53:14
Van Buren. 1829. A. J. 52:697

2183

Defectives

- a Needs of deaf, dumb and blind. Fish. 350. A. J. 73:29
- b Education of deaf, dumb and blind. Clark. 1856. A. J. 79:108
- c Deaf, dumb and blind asylums: statistics of inmates.
Morgan. 1859. A. J. 82:23-24 Morgan. 1861. A. J. 84:29
1860. A. J. 83:28

2184

Deaf and dumb

2186

State institutions

- a Recommended that New York Institution for Deaf and Dumb, incorporated 1817, be aided, probably by part of New York school fund. Clinton, D. 1819. A. J. 42:15-16 1825. A. J. 48:19
- b Recommended that both deaf and dumb asylums be aided.
Marcy. 1833. A. J. 56:14 1836. A. J. 59:14
- c Suggested that sending indigent mutes to state asylums might properly be made imperative instead of optional with county commissioners. Marcy. 1834. A. J. 57:15
- d Report on deaf and dumb asylums.
Seward. 1839. A. J. 62:14 Wright. 1845. A. J. 68:35
1840. A. J. 63:14 1846. A. J. 69:42
Bouck. 1843. A. J. 66:30 Fish. 1849. A. J. 72:16
1844. A. J. 67:24
- e "It was suggested in 1839 that the interest of the state required visitation of the Institution for Instruction of Deaf and Dumb. The superintendent of common schools has been charged with it."
Seward. 1841. A. J. 64:22

2188

Blind

- a Recommended that some means be taken to improve condition of the blind. Marcy. 1834. A. J. 57:16

2191

State institutions

- a Recommended that the New York Institution for the Blind, which receives state aid, be visited by the Secretary of State.
Seward. 1839. A. J. 62:14
- b Report on Institution for Instruction of Blind.
Seward. 1840. A. J. 63:14 Wright. 1845. A. J. 68:35-36
Bouck. 1843. A. J. 66:30 1846. A. J. 69:42
1844. A. J. 67:25 Fish. 1849. A. J. 72:16
- c "Number and needs of this class [blind] are such as to call for two institutions of this character." Fenton. 1868. A. J. 91:22

2193

Insane

- a "Enumeration of insane should be taken, arranging under heads of criminal, pauper and in good circumstances."
Clinton, D. 1825. A. J. 48:19-20
- b "Some further provision ought to be made for the relief of this class."
Hunt. 1852. A. J. 75:19

- c "I ask favorable consideration to the application which will be made on behalf of the State Asylum at Utica for authority to appoint a special pathologist for the duty of making such investigations as seem to be demanded by medical science."
Hoffman. 1870. A. J. 93:19
- d Statistics of number in the state. Dix. 1874. A. J. 97:20
- e "Such extraordinary expenditures for the care and treatment of the insane seem a profligate use of public funds. Whatever future facilities may be required should be provided upon a much more economical scale."
Cornell. 1881. A. J. 104:22
- f Increasing number of insane. Cornell. 1882. A. J. 105:82-83
- g "I am satisfied that existing laws on this subject need amendment."
Cleveland. 1883. A. J. 106:21
- h "I recommend that the tax levy for the care of the insane be so adjusted as to yield a surplus of \$1,500,000."
Morton. 1895. A. J. 118:16-17
- i Suggestions to secure a reduction in expenditure for maintenance.
Morton. 1895. A. J. 118:30-32
- j Plans for harmonizing the system of administration and expenditure.
Morton. 1896. A. J. 119:18-20
- k "Economy desirable in every direction should in this be tempered with generosity."
Black. 1897. A. J. 120:21-22
- m Expense to state. Black. 1898. A. J. 121:24
- n Economy in expenditures urged. Odell. 1901. A. J. 124:45-46

2194 State boards and officers

- a "I recommend the enactment of a law authorizing the appointment of a member of the medical profession as a Commissioner of Lunacy whose duty it shall be to examine into the condition of the insane now confined."
Seymour. 1863. A. J. 86:89
- b Appointment of commissioner of lunacy recommended.
Seymour. 1864. A. J. 87:9
- c Relations between state commissioner and the local hospital managers.
Flower. 1894. A. J. 117:26-30

2197 Removal from poorhouse and jails

- a "The condition of the insane in the poorhouses of the state is pitiable and urgently demands attention." Cornell. 1880. A. J. 103:20

2198 State asylums

- a Grant of \$10,000 a year to New York asylum. Report of funds.
Clinton, D. 1819. A. J. 42:15
- b Report on the New York asylum and recommendation for a new one for indigent insane.
Throop. 1830. A. J. 53:15-16 Marcy. 1834. A. J. 57:15-16
1831. A. J. 54:24 1835. A. J. 58:22
1832. A. J. 55:16-17 1836. A. J. 59:14

- c An act authorizing erection of state lunatic asylum and appointing commissioners has been passed but they have not yet acted.

Marcy. 1837. A. J. 60:15

Asylum to be built at Utica.

Marcy. 1838. A. J. 61:25

Seward. 1839. A. J. 62:13-14

- d Report on insane asylums.

Bouck. 1844. A. J. 67:26-27

Seward. 1840. A. J. 63:14

Wright. 1845. A. J. 68:33-35

1841. A. J. 64:14

1846. A. J. 69:40-42

1842. A. J. 65:11

Fish. 1849. A. J. 72:16

Bouck. 1843. A. J. 66:38-39

- e "I recommend the establishment of another asylum in the western part of the state."

Seymour. 1853. A. J. 76:12

- f "I recommend the enlargement of the asylum at Utica or the establishment of a similar institution."

Clark. 1855. A. J. 78:16

- g "I recommend to you to make provision for the construction of a new asylum."

Clark. 1856. A. J. 79:107

- h "The propriety of establishing an institution for incurables, that shall relieve county authorities from the care of the insane, should be considered."

Fenton. 1865. A. J. 88:10

- i "The state should provide asylums with room for the insane poor who can not be taken care of otherwise and the authorities of each county should be required to send to them its insane poor and pay such sum for their support as may be proper."

Hoffman. 1870. A. J. 93:18-19

- j "Style of architecture for buildings for criminals, paupers, insane, should be simple."

Tilden. 1876. A. J. 99:29-30

- k "I recommend to the Legislature that all appropriations granted for the state hospitals for the insane be hereafter included in one act and that the rate of tax for this purpose be fixed and levied separately from the general tax."

Flower. 1893. A. J. 116:33-34

- m "Legislation should be designed to require strict accountability."

Flower. 1893. A. J. 116:34

- n "Whatever structures are built should be comfortable and substantial and the practice of erecting palaces at the public expense for the accommodation of paupers has I hope seen its last example."

Black. 1898. A. J. 121:24-25

2200

Local asylums and officers

- a "The condition of some of the asylums around New York city should be corrected."

Black. 1898. A. J. 121:24

2205

Inquest. Commitment. Discharge

- a "I recommend that all physicians who may grant certificates of lunacy and all magistrates who issue an order of commitment to an asylum be required to report their action at once to the county judge of that county and that all superintendents of public and private lunatic asylums be required to report forthwith the arrival

of every patient to the county judge of the county whence the patient was sent; that the county judge be required to investigate the case summarily and confirm or annul proceedings and that he be empowered at any time on his own motion or on application of any one interested in the alleged lunatic to reopen the hearing of a case and to conduct such rehearing with or without the aid of a jury as to him may seem best and thereupon in his discretion to discharge the alleged lunatic."

Hoffman. 1872. A. J. 95:21-22

- b "Revision of the laws of the state relating to insanity and especially to the manner of commitments is urgently necessary."

Hill. 1888. A. J. 111:17-18

2215

Feeble-minded

2218 State institutions

- a "I deem it my duty to renew the recommendation of establishment of an institution for the instruction and improvement of idiots."

Hunt. 1851. A. J. 74:21

- b Asylum for feeble-minded established. Hunt. 1852. A. J. 75:19

- c Feeble-minded asylum: condition. Seymour. 1854. A. J. 77:15-16

Clark. 1855. A. J. 78:17

- d Feeble-minded asylum: statistics. Clark. 1856. A. J. 79:108

- e Feeble-minded asylum, Syracuse: statistics.

Morgan. 1860. A. J. 83:26

- f Feeble-minded asylum: methods and system.

Morgan. 1861. A. J. 84:29

2220

Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

- a Recommended that education be promoted as it has been interrupted by the war.

Clinton, G: 1782. S. J. 6:80

- b Recommended that attention be given to revival and encouragement of schools.

Clinton, G: 1784. A. J. 7:7, 1792. A. J. 14:6

- c As certain lotteries are to benefit education, the Governor regrets their impaired credit and hopes public confidence will be restored. He suggests they be protected against contractors.

Clinton, D. 1819. A. J. 42:13

- d "It is a subject of regret no less than astonishment that beyond initiatory instruction the education of the female sex has been utterly excluded from the contemplation of our laws."

Clinton, D. 1819. A. J. 42:15 1820. A. J. 43:15

2223

Elementary and secondary education

- a Recommended that common schools be established through the state.

Clinton, G: 1795. A. J. 18:5

Clinton, G: 1803. A. J. 26:8

Jay. 1800. A. J. 23:7

1804. A. J. 27:8

Clinton, G: 1802. A. J. 25:7

Lewis. 1804. A. J. 28:8

- b** Report on common schools.
- Clinton, D. 1820. A. J. 44:12-13
 Yates. 1824. A. J. 47:14
 Clinton, D. 1825. A. J. 48:10
 1826. A. J. 49:7-8
 1827. A. J. 50:10
 1828. A. J. 51:13-14
 Throop. 1830. A. J. 53:16-17
 1831. A. J. 54:19-20
 1832. A. J. 55:16
 Marcy. 1833. A. J. 56:13-14
 1834. A. J. 57:17-19
 1835. A. J. 58:12-14
 1836. A. J. 59:10-12
- Marcy. 1837. A. J. 60:13-15
 1838. A. J. 61:10-12
 Seward. 1839. A. J. 62:28-30
 1840. A. J. 63:14-15
 1841. A. J. 64:13-14
 Bouck. 1843. A. J. 66:27
 1844. A. J. 67:19-20
 Wright. 1845. A. J. 68:26-27
 1846. A. J. 69:31-34
 Young. 1847. A. J. 70:18-19
 1848. A. J. 71:19-20
 Fish. 1849. A. J. 72:14-15
- c** Statistics of common schools.
- Fish. 1850. A. J. 73:25
 Seymour. 1853. A. J. 76:14-15
 1854. A. J. 77:14-15
 Clark. 1855. A. J. 78:18-19
 King. 1858. A. J. 81:125
 Fenton. 1865. A. J. 88:19-20
 1867. A. J. 90:31; 91:28-29
 Hoffman. 1869. A. J. 92:22-23
 1871. A. J. 94:17
 1872. A. J. 95:16
 Dix. 1873. A. J. 96:13
 1874. A. J. 97:13
- Tilden. 1875. A. J. 98:48
 1876. A. J. 99:33-34
 Robinson. 1877. A. J. 100:20-21
 1878. A. J. 101:22
 1879. A. J. 102:27-28
 Cornell. 1880. A. J. 103:16
 1881. A. J. 104:17
 1882. A. J. 105:72
 Cleveland. 1883. A. J. 106:15
 1884. A. J. 107:15-16
 Flower. 1894. A. J. 117:36-37
- d** "I recommend the establishment of schools in which children of foreigners may be instructed by teachers speaking their language and professing their faith."
 Seward. 1840. A. J. 63:15
- e** Large number of children, specially foreign, growing up illiterate.
 Need of reaching them.
 Seward. 1841. A. J. 64:28-29
 1842. A. J. 65:17-20
- f** Universal education. "I recommend that all impediments in the way of its free acquisition be removed whether in the form of rate bills, poor and incommodious schoolhouses or the want of teachers specially trained."
 Fenton. 1867. A. J. 90:31
- g** Growth of public school system.
 Morton. 1896. A. J. 119:26-27
- h** "The school law should be revised and simplified."
 Roosevelt. 1899. A. J. 122:32

2225

Meetings. Elections. Suffrage

2226 Voting qualifications

- a** "Some confusion exists in regard to the qualification of voters at school meetings. This should be remedied by the enactment of a comprehensive act."
 Cornell. 1881. A. J. 104:17

2228

Officers. Boards

- a Women as school officers. "Women are equally competent with men for this duty and their representation would increase the efficiency of our school management." Cornell. 1880. A. J. 103:15

2229 State

- a Recommended that since the Regents are scattered and meet but seldom, the general supervision of academies, including those for teachers, be given to the Secretary of State, who has charge of common schools and that he have a deputy to help in this work.

Marcy. 1837. A. J. 60:14

- b Recommended that a Department of Education be established, with superintendent appointed by Legislature and board made up of delegates from subordinate boards to be established in the counties. All officers except superintendent to serve without pay and long enough to insure efficiency.

Seward. 1839. A. J. 62:30-31

- c "I recommend the separation of the office of Superintendent of Common Schools from that of the Secretary of State."

Seymour. 1854. A. J. 77:15

- d "I recommend that the Board of Regents be abolished; that its powers and duties relating to the schools be transferred to the Department of Public Instruction."

Hill. 1886. A. J. 109:25-26

- e University of the State of New York: administration and results.

Black. 1898. A. J. 121:23

Roosevelt. 1899. A. J. 122:28-29

- f Regents of the University: consolidation with Department of Public Instruction recommended.

Roosevelt. 1900. A. J. 123:40-42

2230 County

- a "The substitution of a county superintendent of schools, in place of the former commissioners, has given rise to some discontent."

Wright. 1845. A. J. 68:28

- b "I believe that restoration of office of county superintendent would be productive of good."

Fish. 1849. A. J. 72:15

2231 District, township and municipal

- a Recommended that management of schools in New York city be given to commissioners elected by the people instead of being administered by a perpetual corporation as now.

Seward. 1842. A. J. 65:17-20

- b "The substitution of a single officer, charged with supervision of common schools of a town, for the board of commissioners and inspectors formerly existing, in connection with . . . powers of the county superintendents seems to have met with favor."

Bouck. 1844. A. J. 67:20

- c "I suggest placing all the schools in each town under the control of a board of education."

Clark. 1856. A. J. 79:102-3

- d New York city public schools. "I appeal to Legislature to enact a law abolishing the trustee system and making enlightened provision for the efficient government of public schools on lines in keeping with most approved methods and modern thought."

Morton. 1896. A. J. 119:1627-28

2237

General school finance

2239

State and local

2240 Funds. Lands. Taxes

- a Recommended that unappropriated public lands be devoted to raising fund for public education, under control of Regents, to be used for common schools and perhaps for academies.

Lewis. 1805. A. J. 28:71-73

- b Proposed that dividends on stock in Merchants Bank and interest on certain loans should be loaned to increase school fund.

Lewis. 1807. A. J. 30:7

Fund now produces \$26,000 annually.

Tompkins. 1810. A. J. 33:12

Mode of applying fund to be considered.

Tompkins. 1811. A. J. 34:7

1812. A. J. 35:10

- c "We are bound to endow to the utmost of our resources, schools and seminaries of learning."

Tompkins. 1816. A. J. 40:8

- d Fund for common schools consists of \$1,000,000 and 80,000 acres of land. Clinton, D. 1818. A. J. 41:9 Clinton, D. 1820. A. J. 44:13
1819. A. J. 42:13 1822. A. J. 45:12-13

- e Recommended that New York join other states in asking Congress to set off public lands for education fund.

Clinton, D. 1822. A. J. 45:13

- f Recommended that under the new Constitution the Legislature decide whether school lands shall be kept or sold to form fund.

Yates. 1823. A. J. 46:12

- g Funds for common schools.

Clinton, D. 1825. A. J. 48:10

Marcy. 1837. A. J. 60:13-15

1826. A. J. 49:8

Bouck. 1844. A. J. 67:19

Van Buren. 1829. A. J. 52:11

Wright. 1845. A. J. 68:26-31

Throop. 1830. A. J. 53:16-17

1846. A. J. 69:31-35

1831. A. J. 54:19

Young. 1847. A. J. 70:18

Marcy. 1835. A. J. 58:13

1848. A. J. 71:19-21

1836. A. J. 59:12

Fish. 1849. A. J. 72:14

- h School fund.

Fish. 1850. A. J. 73:25

King. 1857. A. J. 80:10-11, 19

Hunt. 1851. A. J. 74:17

1858. A. J. 81:125

1852. A. J. 75:17

Morgan. 1859. A. J. 82:16

Seymour. 1853. A. J. 76:14

1860. A. J. 83:24

1854. A. J. 77:14-15

Fenton. 1865. A. J. 88:19

Clark. 1855. A. J. 78:11

Hoffman. 1869. A. J. 92:23

1856. A. J. 79:97, 102

- i Recommended that the \$5,000,000 loaned by the United States to New York be devoted to education; an amount of the income equal to present annual appropriation to be added to this annual sum, the

remainder of the income to be added to the capital of the common school fund (with the exception of a portion to be devoted to academies and the present literature fund). **Marcy**. 1837. A. J. 60:13-14

1838. A. J. 61:10-11

- j It is claimed that in dividing surplus among the states, Congress adopted form of deposit only to prevent veto. Recommended that Legislature protest against idea of repaying the fund, and require Congress to relinquish claim to it. **Seward**. 1841. A. J. 64:20

- k The opinion is held by some that too large a share of the income from United States deposit fund has been given to academies and colleges.

Wright. 1845. A. J. 68:30

- m "I would suggest the expediency of making the schools of the state entirely free."

Clark. 1856. A. J. 79:104

- n "I would recommend that all payments from the school fund, the United States deposit fund, the literature fund and the annual state tax for school purposes . . . be placed under the control of commissioners to be called Commissioners of the School Funds and to be composed of the State Superintendent of Public Instruction, the Comptroller and the Treasurer."

Clark. 1856. A. J. 79:103-4

- p State tax for support, 1857-75.

Tilden. 1876. A. J. 99:34

- q "I recommend a return to the former system of making an appropriation of a specific sum in each year from the state treasury for the benefit of the common schools and to put into the tax levy a rate sufficient to cover the amount."

Robinson. 1877. A. J. 100:22

2241 Investment of funds

- a "It is proper that Legislature should annually satisfy themselves that the common school and literature funds are safely invested and as productive as possible."

Bouck. 1843. A. J. 66:17

2243 Sectarian schools

- a "I recommend the establishment of schools in which children of foreigners may be instructed by teachers speaking their language and professing their faith."

Seward. 1840. A. J. 63:15

2246

Negroes

- a Recommended that better provision for negro education be made.

Seward. 1839. A. J. 62:15

2247

Teachers

2266

Normal schools

- a "Competent teachers can be educated . . . by sending young men to the Lancasterian seminaries in New York where they will be instructed free. Appropriations by the several common schools out of their portion of the general fund will defray the expense."

Clinton, D. 1818. A. J. 41: 9-10

Clinton, D. 1820. A. J. 44:13

1819. A. J. 42:15

- b "I recommend a seminary for the education of teachers in the monitorial [Lancasterian] system."

Clinton, D. 1826. A. J. 49:9

- c "A central school ought to be established in each county for teachers." Notice and commendation of 2 such schools in New York and Livingston counties. **Clinton, D.** 1827. A. J. 50:10 1828. A. J. 51:14
- d "The surplus income of the literature fund, over \$12,000, is put at the disposal of the Regents to be distributed to academies and to be devoted exclusively to educating common school teachers."
Marcy. 1835. A. J. 58:12-13 1836. A. J. 59:11
- e In view of inadequate supply of competent teachers, it is recommended that part of the income of United States deposit funds be devoted to establishing more departments for teachers, in academies through the state, or that county normal schools be introduced.
Marcy. 1838. A. J. 61:11
- f "We seem to have ascertained the only practicable mode of introducing normal schools... by engrafting that system upon academies. I hope you will adopt further legislation ... to make this effort successful."
Seward. 1839. A. J. 62:30
- g Unfavorable effects feared by some, from new normal school at Albany.
Wright. 1845. A. J. 68:28-29
- h Favorable report of Albany Normal School.
Wright. 1846. A. J. 69:32-34 **Young.** 1848. A. J. 71:19
Young. 1847. A. J. 70:18-19 **Fish.** 1849. A. J. 72:15
- i Normal school statistics.
Fish. 1850. A. J. 73:26
King. 1857. A. J. 80:20
Morgan. 1860. A. J. 83:24
- j Removal of normal school to a locality of cheaper living expenses suggested.
Clark. 1856. A. J. 79:104-5
- k Normal schools and academies. "I recommend that works on military tactics be introduced as textbooks into these institutions and that drill be made a part of the exercises."
Morgan. 1862. A. J. 85:18
- m "I suggest the propriety of establishing other normal and training schools."
Fenton. 1866. A. J. 89:17
- n Additional schools recommended.
Fenton. 1867. A. J. 90:31-32
- p Fredonia, Brockport, Cortland and Potsdam schools: progress in construction.
Fenton. 1868. A. J. 91:29
- q "I suggest an inquiry as to whether the normal schools are really worth to the system what they cost."
Robinson. 1877. A. J. 100:22
- r "The normal schools with two or three exceptions are wholly useless."
Robinson. 1879. A. J. 102:27

2267

Attendance

2270

Compulsory attendance. Truancy*See also 2118, Employment (children)*

- a "If the present compulsory education law is not effective it should be strengthened by wise amendment."
Flower. 1892. A. J. 115:20-21
- b "Facilities should be provided for those who are willing to attend and compulsory institutions established for those who are not."
Black. 1898. A. J. 120:22

- c "Attendance at school if not voluntary should be compelled."
Black. 1898. A. J. 121:22-23
- d Results of compulsory attendance law.
Roosevelt. 1899. A. J. 122:32

2282 Textbooks. Supplies

See also 2360, School libraries

- a "It seems to me the Legislature should fix some limit to the evil of frequent changes of schoolbooks for no good purpose but simply to benefit publishers and agents."
Robinson. 1877. A. J. 100:22

2316 Special kinds of schools

2323 Lectures. University extension

- a University extension. "The state will eventually find the control of university extension an enormously expensive undertaking wrong in principal because it taxes the majority for the benefit of the few."
Flower. 1892. A. J. 115:21-24

2327 High schools and academies

- a "It seems to me to be a clear violation of personal rights for the state to levy taxes to support free academies, high schools and colleges. This should be left to individual effort."
Robinson. 1877. A. J. 100:21

2329 Academies

- a Question whether academies should receive state aid and should be independent or attached to colleges.
Lewis. 1805. A. J. 28:72
- b "About \$100,000 has been granted to 38 incorporated academies."
Clinton, D. 1818. A. J. 41:10 1820. A. J. 44:13
- c Commendation of academy at Waterford for female education, the first attempt of the kind.
Clinton, D. 1820. A. J. 43:15
- d Law recommended allowing county commissioners to raise \$2000, if equal sum is given by individuals, for monitorial high school in county seat.
Clinton, D. 1828. A. J. 51:14
- e Report on academies.
Marcy. 1835. A. J. 58:13 Seward. 1839. A. J. 62:28
1836. A. J. 59:12 Wright. 1845. A. J. 68:29-31
1838. A. J. 61:12
- f Recommended that since the Regents are scattered and meet but seldom, the general supervision of academies, including those for teachers, be given to the Secretary of State, who has charge of the common schools and that he have a deputy to help in this work.
Marcy. 1837. A. J. 60:14
- g "In various parts of the state there are academies... not under the Regents, that do not therefore receive any income from the literature fund... I recommend that seminaries deriving their charters from the Legislature be permitted to subject themselves... to the visitation of that body and partake of the avails of the fund."
Marcy. 1837. A. J. 60:15

- h** "Genesee Wesleyan Seminary at Lima...has been destroyed by fire but private liberality, encouraged by forbearance on part of state promises a renewal." **Seward.** 1842. A. J. 65:1000

2330

Higher education

- a** Two colleges in the state are commended to favor of Legislature. **Jay.** 1800. A. J. 23:7
- b** Higher education to be promoted. **Lewis.** 1804. A. J. 28:8
- c** Importance of colleges, their arrangement, endowment and government. **Lewis.** 1805. A. J. 28:73
- d** "About \$750,000 has been granted to the 3 colleges." **Clinton, D.** 1818. A. J. 41:10
- e** Grants to and condition of Columbia, Union and Hamilton colleges. **Clinton, D.** 1819. A. J. 42:15 1820. A. J. 44:13
- f** Colleges ought not to be multiplied till necessary and unless well supported. Suggested that authority of Regents over incorporation be only commendatory. **Clinton, D.** 1825. A. J. 48:11
- g** Geneva College recommended for aid. Other colleges in prosperous state. **Clinton, D.** 1826. A. J. 49:9 **Throop.** 1830. A. J. 53:17
- h** Report on various colleges. **Marcy.** 1836. A. J. 59:12-13 **Seward.** 1840. A. J. 63:14
Seward. 1839. A. J. 62:28 1841. A. J. 64:13
- i** Origin and progress of the New York University. **Seward.** 1840. S. 2
- j** "It would be desirable to bring the colleges of the state into harmonious connection with the [common schools]." **Clark.** 1855. A. J. 78:20-22
- k** Cornell University: organization and endowment. **Fenton.** 1868. A. J. 91:30
- m** Colleges and academies: number and scope. **Dix.** 1874. A. J. 97:14
- n** "It seems to me to be a clear violation of personal rights for the state to levy taxes to support free academies, high schools and colleges. This should be left to individual effort." **Robinson.** 1877. A. J. 100:21
- p** "When the state has given to all the children a good common school education it should leave them to their own resources. To go beyond this is to injure rather than benefit them." **Robinson.** 1878. A. J. 101:23
- r** Colleges and academies: development. **Cornell.** 1882. A. J. 105:73

2332

State institutions (general)2333 **Finance. Lands. Support**

See also 774. Public lands; 2237. School finance

- a** As colleges are claiming a share of the income of the United States deposit fund, it is admitted that some part may properly be given them. **Marcy.** 1838. A. J. 61:10

2335 Admission. Scholarships. Tuition

- a Suggested that free scholarships in colleges be established for talented, poor students. Clinton, D. 1828. A. J. 51:14
- b "I suggest . . . propriety of establishing state scholarships in higher institutions of learning for . . . educating young men for principals of union and high schools." Seymour. 1854. A. J. 77:15

2342 Professional and technical education*See also 2266, Normal schools*

- a Scientific education: college for practical sciences recommended. Seymour. 1853. A. J. 76:16-17

2343 Agricultural

- a "A professorship of agriculture connected with the board or attached to the University, might also be constituted, embracing kindred sciences of chemistry, geology, mineralogy, botany and other departments of natural history." Clinton, D. 1818. A. J. 41:7
- b Agricultural school in Oneida county favorably noticed. Throop. 1830. A. J. 53:18-19
- c "The best means of disseminating it [agricultural knowledge] among the people would be afforded by a public institution where agriculture should be taught as a science and practically illustrated." Marcy. 1834. A. J. 57:19
- d Advisability of establishing schools where agriculture and mechanics shall be taught. Young. 1848. A. J. 71:24 Fish. 1849. A. J. 72:17
- e Recommendation to establish an agricultural college. Fish. 1850. A. J. 73:26
- f Recommendations as to agricultural college. Hunt. 1851. A. J. 74:19-20
- g Appropriation for agricultural college. Hunt. 1852. A. J. 75:18
- h "Every consideration of policy and economy requires that agriculture should be taught in our public schools." Clark. 1856. A. J. 79:104
- i Need of establishing an agricultural college. Clark. 1856. A. J. 79:110-11
- j Agricultural college: organization. King. 1857. A. J. 80:21
- k Agricultural college: plan and scope. Morgan. 1860. A. J. 83:27
- m Agricultural college: completion. Morgan. 1861. A. J. 84:30
- n Agricultural college: means to reopen. Fenton. 1865. A. J. 88:16
- p Agricultural college: endowment. Fenton. 1866. A. J. 89:17
- r "I would urge the concentration at Cornell University of the various agencies for promoting scientific agriculture." Flower. 1893. A. J. 116:25-28

2348

Medicine and surgery. Degrees

- a "College of Physicians and Surgeons in New York is deserving of public consideration." Law recommended making attendance there requisite to medical practice.

Clinton, D. 1818. A. J. 41:10 Throop. 1830. A. J. 53:18
 1819. A. J. 42:15 1831. A. J. 54:20
 1820. A. J. 44:13 Marcy. 1833. A. J. 56:14
 1826. A. J. 49: 9

2348(5)

Military

- a Military schools for training of the militia have been introduced into several counties in view of probable foreign war.
 Tompkins. 1812. A. J. 35:6
- b Recommended that a military academy for training militia officials be established for youths selected from every county.
 Tompkins. 1816. A. J. 39:254
- c "I recommend that works on military tactics be introduced as textbooks into these institutions [normal schools and academies] and that drill be made a part of the exercises." Morgan. 1862. A. J. 85:18

2350

Technical and manual training

- a Recommended that a site be given the Mechanical and Scientific Institution of New York for a building designed for public benefit.
 Clinton, D. 1825. A. J. 48:12
 Scientists of this institution might pass on value of inventions and award money to inventors of useful articles.
 Clinton, D. 1826. A. J. 49:13
- b Advisability of establishing schools where agriculture and mechanics shall be taught. Young. 1848. A. J. 71:24 Fish. 1849. A. J. 72:17
- c Manual training: people's college; plan and scope.
 Morgan. 1860. A. J. 83:27 1861. A. J. 84:30
- d "I recommend making manual training within certain limits a part of the public school system certainly in the cities and larger towns."
 Hill. 1887. A. J. 110:27-28

2352

Libraries

2354

State library

- a Increase of accommodations recommended.
 Fish. 1850. A. J. 73:31-32
- b "I commend this institution to your liberality."
 Clark. 1856. A. J. 79:105
- c "The annual appropriation not increased for many years is quite inadequate to its wants."
 Dix. 1874. A. J. 97:14-15
- d Removal to new Capitol. Cleveland. 1884. A. J. 107:16
- e Efficiency. Black. 1898. A. J. 121:23

2355

Public documents

- a Recommending international exchange of scientific works.
 Young. 1847. A. 8,244 Fish. 1849. A. J. 201
 1850. A. 73:729

2356

Free public libraries

2357

State aid and supervision. Traveling libraries

- a State supervision of public libraries. **Black.** 1898. A. J. 121:23
- b Traveling libraries. **Black.** 1898. A. J. 121:23

2358

Establishment. Support. Government

- a J. J. Astor's gift of \$400,000 to found library in New York.
Fish. 1849. A. J. 72:15

2360

School libraries

- a "Small and suitable collections of books and maps attached to our common schools . . . are worthy of attention."
Clinton, D. 1827. A. J. 50:11
- b "The law authorizing . . . each school district to impose a light tax for a district library is a measure well calculated to aid public instruction."
Marcy. 1836. A. J. 59:11-12
- c Comparatively few districts have levied tax for library. Hence it is recommended that a small part of the income from the United States deposit fund be given to districts that will raise by taxation an equal amount for a library.
Marcy. 1838. A. J. 61:10-11
- d "I solicit your cooperation in the beginning of this wise policy [of establishing school district libraries]". **Seward.** 1839. A. J. 62:30
- e "The law . . . has been carried into operation in most parts of the state."
Seward. 1840. A. J. 63-14 1841. A. J. 64:14
- f "The number of volumes in the several school district libraries is about 875,000."
Bouck. 1844. A. J. 67:20
- g Report on school district libraries. **Wright.** 1846. A. J. 69:31-32
Fish. 1849. A. J. 72:15
- h Statistics of district libraries. **Clark.** 1856. A. J. 79:102
- i "Necessity for more liberal provision for their support."
Cornell. 1882. A. J. 105:72
- j "If it is proposed to continue the advantage of these libraries there should be a change in the extent and manner of their supply or in the means of their preservation."
Cleveland. 1884. A. J. 107:15-16

2363

History. Records. Memorials

- a Communication regarding the colonial history of New York.
Bouck. 1842. S. 83

2365

Archives. Records. Colonial laws

- a Recommended that copies be made of journals and records of Provincial Congress, Committee of Public Safety and Constitutional Convention.
Clinton, G. 1804. A. J. 27:113
- b Communication relative to forged records in office of Secretary of State.
Clinton, D. 1818. S. J. 41:135
- c Commendation of Mr Vanderheuf's work in translating Dutch records of state and request for appropriation to index them.
Clinton, D. 1822. A. J. 45:246

- d "It would be very useful to obtain transcripts of all documents which may elucidate our annals." Clinton, D. 1827. A. J. 50:11-12
- e Recommended that law be enacted as asked by a memorial of New York Historical Society, authorizing appointment of agent to visit Europe and transcribe documents in English and Dutch archives, relating to New York colonial history. Seward, 1839. A. J. 2:267
- f "The journals of the Provincial Congress have been printed by resolution of Legislature. Holland has opened its archives... with liberality... Great Britain has shown less favor. The President of United States has instructed our minister to renew the application." Seward, 1842. A. J. 65:11-12
- g "Remainder of journals of revolutionary Legislature and Convention... has been printed... Our agent has obtained access to archives in London and Paris... I ask your permission... to transmit to these governments copies of the forthcoming Natural History of New York." Seward, 1842. A. J. 65:1001-2
- h Further appropriation of \$5000 or \$6000 needed to enable Mr Brodhead to finish transcribing European documents. Bouck, 1843. A. J. 66:39
- i "The labors of the agent to transcribe documents in Europe... are drawing to a close. He has transmitted 24 volumes in French and 16 in Dutch, which are deposited in the Secretary's office." Bouck, 1844. A. J. 67:29

2366

Historical societies

- a Recommended that charter of the New York Historical Society be renewed and aid given. Clinton, D. 1826. A. J. 49: 9
1827. A. J. 50:11

2369

Scenic and historic places*See also 2370, Memorials*

- a "An international park should be established [at Niagara Falls] inclosing a suitable space on each side of the river, from which all annoyances of sharpers, hucksters etc. should be excluded." Robinson, 1879. A. J. 102:29
- b Report of reservation commission on Niagara Falls. Cleveland, 1884. A. J. 107:41-42
- c Palisades of Hudson river: recommends measures for preservation. Morton, 1896. A. J. 119:31-32
Roosevelt, 1900. A. J. 123:47, 98
- d Plans for Palisades Interstate Park. Odell, 1901. A. J. 124:39-40

2370

Memorials. Monuments

- a Provision for revolutionary monument at Philadelphia recommended. Seymour, 1853. A. J. 76:725-26
Repeal of law providing for it recommended. Morgan, 1859. A. J. 82:551-53

- b Antietam cemetery: New York share in expense.

Fenton. 1868. A. J. 91:23

2376 Memorials on battlefields. Soldiers monuments

- a Chattanooga National Military park. "I recommend that action be taken by the state to preserve the history of New York troops on these celebrated fields about Chattanooga." Hill. 1891. A. J. 114:25
- b Antietam battlefield. "I recommend that the Legislature authorize the appointment of commissioners to act in conjunction with the Federal Antietam Board in locating and preserving the battle lines at Antietam." Flower. 1894. A. J. 117:169-70
- c Recommends appropriation to provide for official participation in the dedicatory ceremonies of the Chickamauga and Chattanooga National park. Morton. 1895. A. J. 118:1263

2377 Memorials to individuals

- a Monument to Captain Macdonough recommended. Clinton, D. 1826. A. J. 49:16
- b Monument to General Herkimer recommended. Clinton, D. 1827. A. J. 50:19 Seward. 1842. A. J. 65:444-45
1828. A. J. 51:14
- c Monument in Albany recommended for DeWitt Clinton. Seward. 1839. A. J. 62:31-32 1841. A. J. 64:41

2378 War relics

- a Hall of Military Record. "I can not doubt that an appropriate repository for the collections may be arranged in the new Capitol." Fenton. 1867. A. J. 90:27; 91:20

2380 Scientific work. Art

- a Recommended that a map of the state be made. Jay. 1796. A. J. 20:6 Clinton, D. 1827. A. J. 50:12
- b Dudley observatory: inauguration of. King. 1857. A. J. 80:21
- c Natural history and geology. "It seems to be wise policy to strengthen these agencies." Fenton. 1867. A. J. 90:32
- d Natural history and geology. "I commend this department to further recognition and support." Fenton. 1868. A. J. 91:30

2384 Geology. Topography

- a Need of coal supply and of state aid to exploring coal resources of state. Clinton, D. 1822. A. J. 45:10
1826. A. J. 49:13
1828. A. J. 51:10-11
- b "The last Legislature directed the Secretary of State to prepare a plan for the geological survey of this state. His report will be laid before you..." Marcy. 1836. A. J. 59:29
- c First report of Geological, Botanical and Zoological Survey. Marcy. 1837. A. J. 60:24-25

- d Report on the Geological Survey.
 Marcy. 1838. A. J. 61:25 **Seward.** 1841. A. J. 64:14-15
 Seward. 1839. A. J. 62:456-57 1842. A. J. 65:11, 1002
 1840. A. J. 63:15 **Bouck.** 1844. A. J. 67:28
- e "The geologists are engaged in arranging our cabinet and publishing their final report. \$104,000 in 4 annual payments, was appropriated for the survey. Its prolongation another year by law of 1840, makes it necessary to replenish the fund." **Seward.** 1842. A. J. 65:11
- f Communication relative to progress of geological survey.
 Bouck. 1842. S. 68
- g Message relative to geology of state. **Wright.** 1846. A. 241
- h Recommended that the Natural History of the State be completed.
 Fish. 1849. A: 154
- i State explorations. **Hunt.** 1851. A. J. 74:23
- j "Accurate survey of state... desirable."
 Seymour. 1853. A. J. 76:18
- k Adirondack Survey: results accomplished.
 Cornell. 1882. A. J. 105:91
- m Adirondack Survey. "I recommend that the superintendent of the survey be required on 28th of May next to deposit in the office of the State Engineer and Surveyor all maps, surveys and other results of his work."
 Cleveland. 1884. A. J. 107:39-40
- n State survey. "This survey should be prosecuted under the direction of the State Engineer and Surveyor and the results constitute public records in his office."
 Cleveland. 1884. A. J. 107:40-41
- p State surveys. "If these surveys are to be continued they should be continued under the general jurisdiction of the State Engineer and Surveyor's Office and not otherwise."
 Hill. 1886. A. J. 109:28-29
- r Topographic survey: progress and cost.
 Flower. 1894. A. J. 117:33-34
- s "I recommend that the State Land Survey be put under the State Engineer and Surveyor either as a separate bureau or otherwise."
 Roosevelt. 1900. A. J. 123:40

2385

Museums

- a Report of work done by the Geological Survey and recommendation of a museum building to hold the specimens collected.
 Seward. 1839. A. J. 62:456-57 1840. A. J. 63:15
- b Building now occupied by state departments to be used as museum.
 Seward. 1841. A. J. 64:14-15
- c "A suite of the specimens collected has been arranged in the Geological Museum and the 7 other collections intended for the seminaries of learning will soon be ready."
 Seward. 1842. A. J. 65:1002
- d "It will probably be necessary before next Legislature to make permanent arrangement for superintendents of the Geological Museum, which should be authorized by law."
 Bouck. 1844. A. J. 67:28

Military regulations

See also 2363, History, records, memorials

- a Duty of the state to cooperate with the United States in preserving neutrality.
 - Clinton, G. 1794. A. J. 17:7 Tompkins. 1808. A. J. 32:7
 - 1804. A. J. 27:7 1810. A. J. 33:11
- b Need of fortifying New York harbor and the northern frontier.
 - Jay. 1798. A. J. 21:255, 320; Tompkins. 1811. A. J. 34:6
 - 22:6
 - 1799. S. J. 22 pt 2:94 1812. A. J. 35:6, 34; 36:9, 38
 - 1800. A. J. 24:8 1813. A. J. 36:256, 393-94;
 - Clinton, G. 1802. A. J. 25:5 401-7, 554-55
 - Lewis. 1804. A. J. 28:7, 287 1814. A. J. 37:7-9, 41-43, 122,
 - 1806. S. J. 29:6-7 353-56; 38:7-9, 14-17
 - Tompkins. 1808. A. J. 31:6; 1814. S. J. 38:28, 42-43, 386-87;
 - A. J. 31:28 A. J. 38:115-16
 - 1809. A. J. 32:364 1816. A. J. 39:254
 - 1810. A. J. 33:12, 54, 136 Seward. 1842. A. J. 65:16
- c United States effort on behalf of New York citizens arrested for aiding Penian riots.
 - Seward. 1842. A. J. 65:1004
- d Harbors—New York harbor: improvement. "I recommend that a sum not exceeding \$5000 be appropriated ... for the protection of the harbor."
 - Morgan. 1860. A. J. 83:31-32
- e Civil War. "Let New York unite with the other members of the confederacy in proclaiming and enforcing the determination that the Constitution shall be honored and the union of the states shall be preserved."
 - Morgan. 1861. A. J. 84:37
- f Civil War. Election of 1860: effect.
 - Morgan. 1862. A. J. 85:27
- g Secession of Southern States.
 - Morgan. 1862. A. J. 85:28
- h Fort Sumter bombarded.
 - Morgan. 1862. A. J. 85:29-30
- i Insufficient defense of New York harbor.
 - Morgan. 1862. A. J. 85:34-35
- j Causes of Civil War.
 - Seymour. 1863. A. J. 86:95
- k Civil War: progress
 - Seymour. 1863. A. J. 86:100-7
 - 1864. A. J. 87:22-29
- m Civil War: martial law.
 - Seymour. 1863. A. J. 86:99-102
- n Civil War: duty of states.
 - Fenton. 1865. A. J. 88:24-25
- p Civil War: effect of peace.
 - Fenton. 1866. A. J. 10-11, 26-27
- r Civil War: reconstruction in the South.
 - Fenton. 1867. A. J. 90:13-14 1868. A. J. 91:31-33
- s Spanish War. "I recommend that before you adjourn you take such action as your wisdom shall decide upon to provide against such urgent needs as the future may disclose."
 - Black. 1898. A. J. 121:2870

2391

Militia. National Guard

- a "I... recommend... a speedy revision of our militia laws."
Clinton, G: 1777. A. J. 1:6
- a1 "I request that you will provide for raising and calling into service 700 of the militia for [fortifying the Hudson]."
Clinton, G: 1778. A. J. 1:76
- a2 Recommended that the state pay the militia a balance in excess of amount allowed by Congress.
Clinton, G: 1778. A. J. 1:117
- a3 Recommended that additional appropriations for the 5 continental battalions be made, also that certain pay rolls be attended to.
Clinton, G: 1778. A. J. 2:33-34
- a4 Recommended that more adequate provision be made for continental troops, that all may be on equal footing, also that militia law be continued and amended.
Clinton, G: 1780. A. J. 3:88
- a5 Recommended that provision be made for pay due the militia.
Clinton, G: 1780. A. J. 3:147
- a6 Recommended that provision be made for replacing militia whose time is about to expire, also that supplies for army be secured.
Clinton, G: 1780. A. J. 4 pt 2:6-7
- a7 Action recommended for maintaining army and furnishing proportion of supplies asked by Congress.
Clinton, G: 1780. S. J. 3:110
- a8 Recommended that troops be provided with clothing and that law for raising state quota of troops be amended to secure full number.
Clinton, G: 1781. A. J. 4 pt 2:4
- a9 Recommended that subsistence be provided for troops in state.
Clinton, G: 1781. A. J. 4 pt 2:19-20
- a10 Recommended that levies whose terms are about to expire be replaced and that bounty law for unappropriated lands be revised and small money bounty added to secure recruits.
Clinton, G: 1781. A. J. 5:5
- a11 Recommended that arrears be paid state troops in United States service and that ammunition be furnished to militia.
Clinton, G: 1781. A. J. 5:6
- a12 Recommended that pay and indemnity be voted to militia who have suffered imprisonment, that levies defending state be paid and provided with subsistence.
Clinton, G: 1782. A. J. 5:83-84
- a13 Payment recommended for state troops in United States service.
Clinton, G: 1783. S. J. 6:98
- a14 Action recommended for preventing desertions from state troops and apprehending deserters, also for paying citizens who have advanced subsistence for levies.
Clinton, G: 1783. S. J. 6:118-19
- a15 Recommended that arrears due disbanded troops be paid and that permanent organization of the militia and provision for magazines and other stores be made.
Clinton, G: 1784. A. J. 7:5-7
- a16 Militia establishment is to be conformed to regulations enacted by Congress.
Clinton, G: 1792. A. J. 16:5

- a17 In view of inability of some citizens to provide arms for militia service, as required by Congress, and the importance of the militia, especially on frontier, it is recommended that the state equip such as are unable to do it themselves. Clinton, G: 1794. A. J. 17:8
- a18 Recommended that militia law be amended so as to exempt men from burdensome civil duties, that military organization be improved and that stores be provided. Clinton, G: 1794. A. J. 17:42
Jay. 1798. A. J. 21:255
- b Question submitted whether state militia law needs amendment. Jay. 1796. A. J. 19:5
- b1 Military stores reported inadequate. Recommended that secure storage places be prepared and persons employed to have charge of them. Jay. 1796. A. J. 19:37-38
- b2 Militia laws to be amended. Jay. 1796. A. J. 20:6
Clinton, G: 1802. A. J. 25:6-7
1803. A. J. 26:238
- b3 As President has required Governors to equip and prepare respective quotas of 80,000 militia, it is recommended that this state equip its share, also that militia laws be revised. Jay. 1797. A. J. 21:5-6
- b4 Recommended that arsenal guards be appointed for stores. Jay. 1798. A. J. 21:6
- b5 Need of amending militia laws and providing military stores in view of possible war with France. Jay. 1798. A. J. 22 pt 2:6
1799. S. J. 22, pt 2:91-92
1800. A. J. 23:6
- c Need of more stores and preference to be given those of American manufacture. Clinton, G: 1803. A. J. 26:6-7 Lewis. 1806. A. J. 29:8
1804. A. J. 27:6
- d Necessary to organize brigade of artillery and corps of engineers equipped for defense of New York city. Lewis. 1805. A. J. 28:7-8
Equipment for this brigade needed. Lewis. 1805. A. J. 28:287
1806. A. J. 29:8-9
- d1 Recommended that state equip militia with arms and establish manufactory for them, also that drummers be trained. Lewis. 1806. A. J. 29:8
- d2 Statement of purchase of stores. Lewis. 1807. S. J. 30:298
- d3 Need of better militia equipment and training. Lewis. 1807. A. J. 30:8
- e Detachment and organization of state quota of 100,000 for possible war with France has been completed. Certain changes in militia law recommended. Tompkins. 1808. A. J. 31:6-7
- e1 Report of purchase of stores. Tompkins. 1808. A. J. 31:104; 32:8
1808. S. J. 32:14
1809. A. J. 32:228
- e2 Further recommendations as to instruction of artillery. Tompkins. 1808. A. J. 32:19
- e3 Report of purchase of military stores. Tompkins. 1810. A. J. 33:54
1811. S. J. 34:98
1812. A. J. 35:6

- e4 Militia law deficient in some respects, specially in failing to prescribe limitation of military courts, definition of offenses or rules of procedure. **Tompkins.** 1812. A. J. 35:6
- e5 Defects in mode of detaching militia for service. **Tompkins.** 1812. A. J. 35:9
1814. A. J. 37:8, 122; 38:8; S. J. 37:93
- e6 Statement of proceedings since beginning of war, in defense of state by militia. **Tompkins.** 1812. A. J. 36:38-63, 65-66
1813. A. J. 36:393-94, 401-5, 500-7
1814. A. J. 37:7-9, 41-43, 353, 355-56; 38:7-9
- e7 Proceedings in defense of state. **Tompkins.** 1814. A. J. 38:14-17, 115-16; S. J. 38:28, 42-43
1815. S. J. 38:386-87
- e8 Militia reorganization recommended. **Tompkins.** 1816. A. J. 39:11
- e9 Annual inspection return for 1815 and list of killed and wounded in 3d infantry division, Major General Mooers. **Tompkins.** 1816. A. J. 39:540
- e10 Arms furnished to state militia by state, when due by law from United States and now deposited in United States arsenals and forts will be restored to state on return of United States arms that may be in state arsenals. Question of adjusting pay accounts between United States and New York state unsettled. **Tompkins.** 1816. A. J. 39:450
Clinton, D. 1818. A. J. 41:93
- e11 Recommended that commissary department be authorized to sell perishable articles bought during war and now in possession of state. **Tompkins.** 1816. A. J. 39:569
- f Revision of militia system recommended. **Clinton, D.** 1818. A. J. 41:12
- f1 Recommending distribution of a system of military tactics. **Clinton, D.** 1818. S. J. 41:117 1820. A. J. 44:13
- f2 Recommended that militia continue to receive allowance of ammunition for practice. **Clinton, D.** 1818. A. J. 41:797-98
- f3 Review of militia conditions. **Clinton, D.** 1819. A. J. 42:17 1822. A. J. 45:14
1820. A. J. 43:14; 44:13 1825. A. J. 48:20
- f4 Request from militia company in Steuben county for use of arms from State Arsenal. **Clinton, D.** 1822. A. J. 45:706
1826. A. J. 49:15
- g Militia laws to be examined, under the new Constitution. **Yates.** 1823. A. J. 46:12
- g1 Receipt of state quota of arms from United States appropriation recommended for mounting artillery for militia use. **Yates.** 1824. A. J. 47:10
Clinton, D. 1826. A. J. 49:15
1827. A. J. 50:17
- h Recommended that those having conscientious scruples against bearing arms be given relief from fines, etc. **Clinton, D.** 1825. A. J. 48:20

- i It would be desirable to receive balance of acknowledged claims of state against United States in field ordnance for artillery companies.
Throop. 1830. A. J. 53:25 **Throop.** 1832. A. J. 55:21
 1831. A. J. 54:26
- j "You may think it expedient to revise the militia law for purpose of equalizing the service."
Throop. 1831. A. J. 54:24
 1832. A. J. 55:20-21
- k It is hoped that Congress will amend the militia law, which state can not do.
Marcy. 1833. A. J. 56:12-13 1834. A. J. 57:31
- m "There are some evils resulting from present militia system, which it is believed the Legislature is competent to remedy. The mode of punishing delinquents operates unjustly in many cases..."
Marcy. 1835. A. J. 58:26-27
- n Old system of militia organization has become burdensome and it is strongly hoped that Congress will afford relief.
Marcy. 1836. A. J. 59:30 **Seward.** 1842. A. J. 65:16
 1838. A. J. 61:25
- ni Report on militia affairs.
Marcy. 1837. A. J. 60:25 **Seward.** 1841. A. J. 64:19, 25-26
Seward. 1839. A. J. 62:13 **Bouck.** 1843. A. J. 66:35-36
 1840. A. J. 63:15-16 1844. A. J. 67:22-23
- n2 As some fieldpieces in custody of artillery companies in western part of state have been taken outside of state it is recommended that better provision be made for keeping such property.
Marcy. 1838. A. J. 61:25-26
- n3 1st Attack on steamer Caroline at Niagara. Recommended that if necessary state militia be kept there for protection of persons and property till United States can interpose,
Marcy. 1838. A. J. 61:120-21; A. 315
- n4 Recommended that laws in regard to calling out the militia be amended.
Marcy. 1838. A. 217
- n5 "Regimental courts-martial are oppressive. If the commandant were required to report delinquencies to a justice, that officer could be charged with collecting penalties."
Seward. 1841. A. J. 64:26
- n6 Question as to whether Friends should be required to pay for exemption from military duty. The Governor favors an amendment exempting them from it.
Seward. 1841. A. J. 64:26
- n7 Memorial from officers of 9th infantry regiment praying for radical reform of the militia system.
Seward. 1842. A. J. 65:313
- p If military service is reduced, less tax should be paid by Friends.
Bouck. 1843. A. J. 66:36 1844. A. J. 67:23
- q Militia reforms recommended.
Bouck. 1843. A. J. 66:35-36 **Wright.** 1846. A. J. 69:43, 197
 1844. A. J. 67:22-23 **Young.** 1847. A. J. 70:19
- r United States government has requested 7 state regiments to be held in readiness for service in Mexican War and 2 have been sent.
Young. 1848. A. J. 71:31

- 8 National Guard: organization.
Fish. 1850. A. J. 73:36 Seymour. 1854. A. J. 77:21-22
Hunt. 1852. A. J. 75:23 King. 1858. A. J. 81:126
- t "I would urge that the Legislature without delay confer larger discretionary power than is now possessed to embody and equip a volunteer militia for the public defense."
Morgan. 1861. A. J. 84:1025-26
- t1 "Some essential modifications of our present militia laws are obviously necessary."
Morgan. 1862. A. J. 85:26-27
- t2 Volunteers: President's first call; response.
Morgan. 1862. A. J. 85:30-31
- t3 Governor's proclamation of July 25, 1861 calling for 25,000 volunteers.
Morgan. 1862. A. J. 85:31-32
- t4 New York volunteers: number and service.
Morgan. 1862. A. J. 85:32-33 Fenton. 1865. A. J. 88:21-22
Seymour. 1863. A. J. 86:88
- t5 New York volunteers: purchase of supplies.
Morgan. 1862. A. J. 85:33-34
- t6 Payment of New York volunteers. Morgan. 1862. A. J. 85:34
- t7 "Legislation will be necessary before the class of volunteers referred to can be paid."
Morgan. 1862. A. J. 85:354-55
- u Volunteer bounties. "I recommend the passage of suitable laws providing for the collection of these obligations."
Seymour. 1863. A. J. 86:92-93
- u1 Evils of drafting system. Seymour. 1863. A. J. 86:93-94
- u2 Subduing of draft riot in New York city.
Seymour. 1864. A. J. 87:22-23
- u3 Drafting of citizens into army objected to.
Seymour. 1864. A. J. 87:17-21
- v Volunteer bounties. Fenton. 1865. A. J. 88:22 1866. A. J. 89:14
- v1 National Guard: organization and number.
Fenton. 1865. A. J. 88:23-24 Tilden. 1876. A. J. 99:32-33
1866. A. J. 89:13 Robinson. 1877. A. J. 100:22-23
1867. A. J. 90:25 1878. A. J. 101:21-22
Hoffman. 1869. A. J. 92:22 1879. A. J. 102:26
1870. A. J. 93:18 Cornell. 1880. A. J. 103:18-19
1872. A. J. 95:16 1881. A. J. 104:19-20
Dix. 1874. A. J. 97:15 1882. A. J. 105:75-76
Tilden. 1875. A. J. 98:49 Cleveland. 1884. A. J. 107:19-20
- v2 Military claim agencies. "I suggest establishing for a limited time, a system of claim agencies to assert the just claims upon the government of men discharged with only partial or without any pay."
Fenton. 1866. A. J. 89:11
- v3 Military claim agencies: efficiency. Fenton. 1867. A. J. 90:28
1868. A. J. 91:20
- v4 "Importance of an effective militia to a democratic republic can not be overestimated."
Fenton. 1867. A. J. 90:26-27

- v5** "I recommend the reduction of the present minimum of the National Guard to a number that can be fully equipped, thoroughly disciplined and qualified for active duty." **Fenton.** 1868. A. J. 91:19
- w** "To make it [National Guard] thoroughly efficient it should be armed with breech loaders of the most approved pattern and I recommend a suitable appropriation for that purpose." **Hoffman.** 1871. A. J. 94:17
- x** Arms and ammunition: system of inventory. **Dix.** 1874. A. J. 97:15
- y** Bounty debt: final payment. **Robinson.** 1878. A. J. 101:15
- y1** "I recommend organizing a separate company in each county where there is no regiment or battalion." **Robinson.** 1878. A. J. 101:21-22
- y2** Equipment: appropriation needed. **Robinson.** 1879. A. J. 102:26
- z** "It is recommended that a commission composed of officers of suitable rank in the National Guard be authorized to codify the military laws and to revise the regulations." **Cornell.** 1880. A. J. 103:18-19
- z1** "In my opinion National Guard needs still further reduction." **Cornell.** 1881. A. J. 104:19-20
- z2** Equipment. "I recommend that the present Legislature make provision to furnish this uniform to those yet unprovided for." **Cleveland.** 1884. A. J. 107:19
- z3** National Guard. "It would be better if it was removed farther from political control." **Black.** 1898. A. J. 121:22
- z4** Suggestions for improvement. **Roosevelt.** 1899. A. J. 122:21-24
- z5** "In America the Red Cross should have a federal organization, within every state, chapters which should be in close touch with the National Guard." **Roosevelt.** 1899. A. J. 122:24
- z6** "National Guard should be armed with a small caliber high power rifle preferably that used by the regular army." **Roosevelt.** 1899. A. J. 122:23-24
- z7** Suggestions for improvement. **Roosevelt.** 1900. A. J. 123:29-31

2392

Armories

- a** Recommended that at least 2 arsenals be built, 1 at New York and 1 at Albany. **Jay.** 1798. A. J. 21:6
- b** Recommended that care of arsenals, fortifications, arms and ammunition be committed to 1 set of commissioners instead of 3. **Jay.** 1798. A. J. 21:185
- c** Recommending larger appropriation for New York Arsenal. **Jay.** 1798. A. J. 22 pt 1:8
- d** Recommended that additional provision be made for Albany Arsenal, and for repair of arms therein. **Jay.** 1799. A. J. 22, pt 2:133-34
1800. A. J. 23:140
- Recommended that house for keeper, shops for workmen and a manufactory of arms should be added. **Jay.** 1800. A. J. 24:147-48

- e Repairs on Arsenal and need of good equipment.
Clinton, G: 1803. A. J. 26:6-7
- f Recommended that magazine be built in New York and 2 more
arsenals, 1 in middle district and 1 in western, which may be paid
for by sale of military lands. Clinton, G: 1804. A. J. 27:6
- g \$3000 granted for powder magazine in New York has not been
expended, as it proved inadequate. Tompkins. 1808. A. J. 31:8
- h Land has been given and arsenal built in New York city.
Tompkins. 1808. A. J. 32:8 1808. S. J. 32:14
- i Arsenals built throughout state. Tompkins. 1811. S. J. 34:98
- j Recommended that Albany Arsenal be sold and proceeds applied
to purchase of new site and erection of new building.
Tompkins. 1815. S. J. 38:168
- k Recommended that \$25,000 be appropriated to buy site and
build arsenal near Albany, the old arsenal to be sold when advan-
tageous. Tompkins. 1816. A. J. 39:569; 40:22
- m Recommended that New York Arsenal be moved to different site.
Marcy. 1835. A. J. 58:27
- n Recommended that New York Arsenal be repaired.
Seward. 1840. A. J. 63:141-42 1842. A. J. 65:45
- p "Attention is called to suggestions of the Commissary General
concerning necessary measures for preservation of property com-
mitted to his care." Seward. 1841. A. J. 64:19
- q Message in relation to arms and other military stores.
Bouck. 1842. S. 27
- r Recommended that New York Arsenal be thoroughly repaired,
or new one built on different site. Money may be obtained by
selling to United States the land comprising Forts Tompkins and
Richmond. Bouck. 1844. A. J. 67:23
- s Governor has followed custom of loaning arms to uniform com-
panies but regards his authority as doubtful and recommends legal
sanction, as arms may properly be kept in company armories as
in state arsenals. Bouck. 1844. A. J. 67:23
- t "I recommend the sale of the New York Arsenal and the adjacent
land." Wright. 1846. A. J. 69:197
- u Arsenals and armories: erection under laws of 1857 and 1859.
Clark. 1856. A. J. 79:111-12
- ur Arsenals and armories: condition. Morgan. 1860. A. J. 83:25
- v Excessive rent for armories. Morgan. 1861. A. J. 84:25-26
- Tilden. 1876. A. J. 99:33

Encampment

- a "I submit the question of providing for a general encampment
of the National Guard of the state during the coming season for the
purpose of inspection, instruction and improvement."
Fenton. 1866. A. J. 89:14

- b "I submit to your consideration the propriety of authorizing encampments of the militia in various sections of the state."

Fenton. 1868. A. J. 91:19

- c Camp of Military Instruction: advantages.

Cleveland. 1883. A. J. 106:18

- d "I recommend that purchase of land be made by the state with a view of permanently establishing the Camp of Instruction as an element of military instruction." Cleveland. 1884. A. J. 107:19-20

- e "The regiments should receive practical instructions by actual marching, cooking, camping and field exercises over rough country."

Roosevelt. 1900. A. J. 123:30

2397

Naval militia

- a "I suggest that you consider the subject of building a state cruiser upon which the naval militia might receive actual training."

Black. 1897. A. J. 120:19

- b "Our naval militia should be kept up and built up but it is earnestly hoped that they will be supplemented by a naval reserve proper called into being by action of the federal government."

Roosevelt. 1899. A. J. 122:24-25

2398

Officers and boards

- a Inasmuch as military officers frequently act without having taken prescribed oaths, it is recommended that they be enabled to take them with small trouble and expense and that evidence thereof be convenient of access.

Jay. 1796. A. J. 19:147

- b Need of revising militia laws with regard to rank and promotion of officers.

Jay. 1797. A. J. 20:107

- c Recommended that the Commissary of Military Stores be given adequate salary.

Jay. 1799. A. J. 22 pt 2:101-2

- d As act of Congress has prescribed chaplains and certain staff officers, legislative action is necessary to authorize appointment.

Clinton, G: 1804. A. J. 27:7

- e Recommended that method of dating military commissions be changed. Stated that present separation of offices of Adjutant General and Inspector General is unsatisfactory.

Lewis. 1805. A. J. 28:287

- f Transmitting letter of thanks to Commodore Bainbridge and crew for bravery in capturing the "Java," with his answer thereto.

Tompkins. 1813. A. J. 36:588

- g Transmitting letter of thanks to Commodore Perry for his victory with his answer thereto.

Tompkins. 1814. S. J. 37:198

- h Recommending that commissary, assistant commissaries and deputies be given increase of salary while war lasts.

Tompkins. 1814. A. J. 37:353

- i Recommending vote of thanks and a testimonial to Commodore Macdonough.

Tompkins. 1814. A. J. 38:8

- j Recommended that 3 companies of cadets be formed and trained for militia officers. Tompkins. 1814. A. J. 38:16-17
- k Letters of thanks to various officers distinguished by services in late war. Tompkins. 1815. A. J. 38:621-31
- m Recommended that chief commissary live in Albany and have 4 assistants. Tompkins. 1815. S. J. 38:168
- n Comments on new system of electing militia officers. Yates. 1824. A. J. 47:9-10
- p Bureau of Military Statistics: object. Fenton. 1867. A. J. 90:27
- r Bureau of Military Statistics: report. Fenton. 1868. A. J. 91:20
- 2400 Adjutant General**
- a As United States has imposed duty of reviews on brigade inspectors, salary of Adjutant General may be reduced. Clinton, G. 1802. A. J. 25:6
This system of inspection is expensive and unsatisfactory. Lewis. 1805. A. J. 28:287
- b Need of assistants and office for Adjutant General. Yates. 1824. A. J. 47:9
- c "I suggest the wisdom of putting this body upon a footing where its chief executive officer is not likely to be changed at every political election." Black. 1897. A. J. 120:19
- 2403 Riot and invasion**
- a Use of militia necessary in land riots of tenants of Rensselaerwyck. Wright. 1845. A. J. 68:42-49 1846. A. J. 69:13-21
- 2406 Pensions and relief**
- a Recommended that Legislature favor giving by United States of half pay to surviving officers of Revolutionary army. Clinton, D. 1820. A. J. 43:173
- b Pensions: advantages. Fenton. 1866. A. J. 89:11-12
- c Pensions: Mexican War volunteers. "It seems to me that no further relief ought to be insisted on." Cleveland. 1883. A. J. 106:1198
- 2408 State pensions and aid**
- a Recommended that provision be made for relief of wounded militia, support of disabled and indemnity for loss of arms. Clinton, G. 1780. A. J. 3:120
Tompkins. 1814. A. J. 37:42-43
- b Pensions for Revolutionary soldiers. Clinton, D. 1828. A. J. 51:14
Throop. 1832. A. J. 55:22
- 2411 Burial expenses**
- a Recommended that bodies of New York men killed in Mexico be brought home. Young. 1848. A. J. 71:33

2413

Widows and families

- a "The condition of the families of those men who fell...under General Herkimer will engage your attention and relief will be afforded to them."
Clinton, G: 1778. A. J. 1:51
- b Recommended that provision be made for support of widows and orphans of militiamen.
Clinton, G: 1780. A. J. 3:120
Tompkins. 1812. A. J. 36:9, 65-66
1814. A. J. 37:42-43

2416

Soldiers homes

- a New York Soldiers Depot, Ira Harris Hospital.
Fenton. 1866. A. J. 89:12-13
- b Soldiers homes and hospitals: temporary need.
Fenton. 1867. A. J. 90:28-29
- c Soldiers homes and hospitals. "I ask that provision be made to continue the present arrangement until such time as the transfer of the wholly disabled to the United States homes can be effected."
Fenton. 1868. A. J. 91:20-21
- d "I call the attention of the Legislature to the necessity and propriety of making the proper appropriation for the support of the Soldiers Home located at Albany.
Hoffman. 1869. A. 169

2430

Local government

2432

Municipalities

2433

State control of cities. Home rule

- a "Village charters occupy a considerable portion of our annual volumes of laws. They are filled with minute details which might readily be comprehended in one general act applicable in all cases."
Morgan. 1860. A. J. 83:35
- b "A well considered act or some amendments to the general law of 1847 would be far better calculated to secure the objects sought in village charters than such as swell the size of our annual session laws."
Morgan. 1862. A. J. 85:23-24
- c Metropolitan districts and commissions. "I recommend the repeal of all laws creating these district commissions and the restoration to the people of every county and city in the state of the constitutional power to regulate and manage their own local affairs."
Hoffman. 1869. A. J. 92:27
- d "I recommend the repeal of the law creating new districts made up of two or more adjoining counties and establishing within their limits various independent boards in which all powers relating to police, fire, excise etc are vested and the members of which are not elected by the people or appointed by the authorities."
Hoffman. 1870. A. J. 93:25

- e "The Legislature should carefully discriminate as to local rights when called upon to interfere." **Cornell.** 1881. A. J. 104:1746-47
- f "The state should not attempt correction by assuming municipal authority and functions." **Flower.** 1892. A. J. 115:28-29
- g Legislative charters and home rule. **Flower.** 1894. A. J. 117:42-43
- h "Revised Constitution requires that the Legislature shall provide for the giving of public notice and opportunity for a public hearing concerning every special city law in every city to which it relates before the mayor of such city accepts or refuses to accept the bill." **Morton.** 1895. A. J. 118:20

2438

Organization. Powers generally

- a Recommended that better regulations of municipal government be made, as check against abuses. **Clinton, D.** 1828. A. J. 51:13
- b New York city: need of new charter. **Morgan.** 1861. A. J. 84:32
- c New York city. "I recommend the repeal of the present charter and the enactment of a new one." **Hoffman.** 1872. A. J. 95:28-32
- d New York city. Defects and inadequacy of charter. **Hoffman.** 1872. A. J. 95:1596-610
- e Municipal corruption. "Unless provision is made by law for uprooting the present system of municipal government, I much doubt whether the evils can be eradicated without giving the mayor the power of removing municipal officers and appointing others in their place whenever necessary." **Dix.** 1873. A. J. 96:21
- f Local government. "Official accountability a condition of municipal independence... The framework of the system which we adopt must be intrenched in the fundamental law and protected by constitutional restrictions from arbitrary changes by legislation." **Tilden.** 1875. A. J. 98:21-22
- g New York city: municipal charters of 1830, 1870, 1873; weakness. **Tilden.** 1875. A. J. 98:1472-83
- h Municipal government. "Whatever can be accomplished by legislation to correct the evils growing out of the discordant charters which now exist and to infuse into them general principles that shall become a guide to future legislation ought to be done. The only effectual remedy is an amendment of the Constitution fixing the general plan of municipal government especially in respect to the appointing power and establishing on a durable basis official accountability... I recommend the appointment of a commission who shall report to the next Legislature the forms of such laws or constitutional amendments as are required." **Tilden.** 1875. A. J. 98:1474-83
- i Village charters. "Whole subject of village grievances should be referred to the general laws provided for their regulation." **Robinson.** 1878. A. J. 101:24
- j New York city charter. "Only effectual remedy for the evils under which the city suffers will be a careful and well considered charter in the nature of a constitution, organizing a local government with a strong and responsible executive head—with a city legislature

composed of two houses and clothed with all powers of local legislation subject to veto by the mayor."

Robinson. 1878. A. J. 101:25-26

- k "It is my opinion that if $\frac{1}{3}$ of the officials of New York and Brooklyn were mustered out and the duties properly distributed, the public would be better served."

Cornell. 1881. A. J. 104:25

- m "The charter of the city of New York needs amendment if not entire revision."

Hill. 1886. A. J. 109:19-21

- n Greater New York. "I suggest that a commission be at once created, to be charged with the duty and power of framing a charter and reporting the same to the present Legislature if such a plan can be drafted before the session closes."

Morton. 1895. A. J. 118:23

- p "I recommend that the Governor be empowered to appoint a commission to deal with the question of remodeling the New York charter in order to remedy the defects."

Roosevelt. 1900. A. J. 123:46

- r New York city. Suggestions relating to the report of the Charter Revision Commission.

Odell. 1901. A. J. 124:144-46

2443

Consolidation

- a New York city and Brooklyn: consolidation. "I recommend submitting the question of consolidation to a popular vote in the cities and towns affected."

Flower. 1894. A. J. 117:19-20

2468

Mayor

- a "No good government can be secured to any great city unless it shall have one responsible head in whom shall be vested all executive power and to whom all departments charged with executive duties shall be directly responsible and accountable."

Hoffman. 1869. A. J. 92:28-29

2473

Municipal civil service

- a New York city. "Very many clerkships, inspectorships and positions held by deputies could be abolished."

Roosevelt. 1899. A. J. 122:29-30

2474

Appointments. Election

- a "A power of removal bill for the city of New York placing in the hands of the mayor absolute and unquestionable authority to remove any of the appointive officers of the city government and to appoint their successors is an immediate requirement."

Morton. 1895. A. J. 118:22-23

2492

County and township government

2493

Boundaries

- a As it is uncertain whether waters between Long and Staten Islands and south of New York are included in any county, action is needed to decide jurisdiction.

Clinton, G: 1804. A. J. 27:7-8.

2498 **New counties. Consolidation. Division**

- a Recommended that new county be formed west of Lake Champlain from territory now subject to Washington county.

Clinton, G: 1787. A. J. 10:81

2501 **Governing body**

- a Boards of supervisors. "I believe that the public interest would be materially promoted by widening the scope of their legislative jurisdiction."

Morgan. 1862. A. J. 85:22

2504 **Election. District. Vacancies. Number. Term**

- a Recommended that county commissioner for Ulster be appointed in regular way.

Clinton, D. 1818. A. J. 41:344

2512 **County civil service**2513 **Appointment. Election**

- a Recommended that ordering of new election for clerk or sheriff by Governor within prescribed time be discretionary instead of mandatory.

Clinton, D. 1827. A. J. 50:17

- b Repeal recommended of laws allowing judges of county courts to interfere with supervisors in appointment of commissioner of deeds, county treasurer and superintendent of the poor.

Seward. 1840. A. J. 63:16

This has been done with good result. Seward. 1841. A. J. 64:22

2517 **Salaries. Fees**

- a "I recommend that the fees of their offices [sheriff, register of deeds, county clerk and coroner] be paid to the city treasury and that they be paid by fixed salary."

Dix. 1873. A. J. 96:21

2518 **Tenure of office. Discipline**

- a Recommended that authority be given to compel testimony of witnesses in case of sheriff, clerk or register removed by Governor.

Clinton, D. 1826. A. J. 49:16

2519 **Special officers**2521 **Clerk**

- a Election of clerk in Seneca county.

Clinton, D. 1828. A. J. 51:29

2550 **Local finance**2566 **Taxes**2569 **Special assessments**

- a Submitted whether special tax on lands bordering canals, for building canals, is just.

Clinton, D. 1820. A. J. 43:13

- b Revision of laws for taxation of local improvements.

Fish. 1850. A. J. 73:27

2575

Budget. Accounts

- a Recommended that better provision be made for management of fiscal affairs. Jay. 1796. A. J. 20:6
- b Recommended that laws regulating matters of county and town finance be revised and amended. Jay. 1800. A. J. 24:5
- c New York city. "Immediate legislation is essential for the maintenance of the credit of the city." Hoffman. 1872. A. J. 95:41-46
- d New York city. "A bill to make the necessary provision to carry on the government of the city is imperatively necessary to prevent serious embarrassment." Hoffman. 1872. A. J. 95:1483
- e New York city. "An act containing a few simple provisions would secure a simpler and better condition of the city finances and provide for the extinguishment of its debt as rapidly as is consistent with the ability of the taxpayers." Robinson. 1878. A. J. 101:977-80
- f Taxation. "Town and county taxes might be much lessened by cutting off superfluous offices, reducing extravagant fees, charging the expense of local criminal proceedings upon the county." Robinson. 1878. A. J. 101:14
- g "Legislature ought not to make an arbitrary direction to the local authorities of any city prescribing the amounts which they shall pay to private local institutions." Robinson. 1879. A. J. 102:993

2577

Appropriation. Tax levy. Expenditures

- a Tax levy of New York city. "I request that this important measure receive consideration, that the bill be engrossed pursuant to the rules, before the signatures of the presiding officers are affixed, and that it may be presented to me at least 3 days before your final adjournment." Fenton. 1868. A. J. 91:326

2579

Examination and audit

- a "There should exist one general law providing for a uniform board or system for the auditing of town accounts in each of the towns of the state." Hill. 1885. A. J. 107:550-52

2583

State supervision. Uniform accounts

- a "I urge the consideration of establishing of an unsalaried state municipal board which shall have for its duties the securing of uniformity of accounting systems in cities of the 2d and 3d classes and the publishing of information about the work and conditions of these cities." Roosevelt. 1899. A. J. 122:30

2588

Financial officers2595 **Township**

- a "The Legislature should at once consider the propriety of repealing the law of 1875 creating the office of town auditor." Cornell. 1881. A. J. 104:1254-55

2597

Debts. Bonds*See also 2245. School finance; 2571. Special assessments*

- a Objections to use of municipal stocks in banking.
Seymour. 1854. A. J. 77:23-24
- b "I recommend passing a law so far reforming and restraining the traffic in public securities as to divest it of this pernicious feature [gambling]." *Clark. 1855. A. J. 78:25-27*
- c "Some measure must be devised to secure improved credit of towns." *Cornell. 1880. A. J. 103:23*

2598

Limitation of indebtedness

- a Constitutional restriction of local indebtedness.
Hill. 1885. A. J. 108:27-29

2620

Public works. Public improvements

2627

Municipal utilities (general)

2628

Franchises (general)

- a New York city franchises: "I suggest whether a wise solution of the problem is not to be found in a careful scheme of municipal compensation based upon future earnings rather than upon present estimated and uncertain values." *Flower. 1892. A. J. 115:332-34*

2633

Electricity. Gas

- a State Gas Commission. "I recommend appointment of a state commission with power under reasonable restrictions to regulate and control the management of all gas companies throughout the state, such commission to be maintained at the expense of the gas companies." *Hill. 1887. A. J. 110:22-23*
- b "I recommend that gas and electric lighting companies and questions relating to their organization; administration and control shall be placed in the hands of the Railroad Commission."

Odell. 1901. A. J. 124:42-43

2648

Water

- a Need of pure water supply in New York city.
Clinton, D. 1820. A. J. 43:15 *Marcy. 1833. A. J. 56:9-10*
1825. A. J. 48:21
- b Water supply for New York to be taken from Bronx river and Sawmill creek.
Clinton, D. 1820. A. J. 43:15
1825. A. J. 48:21

2650

Municipal works

- a Croton aqueduct built at expense of over \$12,000,000.
Seward. 1842. A. J. 65:1001
- b "There is a consensus of opinion that New York must own its own water supply. Any legislation permitting private ownership should be annulled." *Roosevelt. 1900. A. J. 123:21-22*

- c New York city. "I ask the speedy enactment of such laws as will give the city the necessary rights for securing an additional water supply."
Odell. 1901. A. J. 124:37-38

2661

Sewerage. Garbage

- a Need of public sewers in New York city.
Clinton, D. 1820. A. J. 43:15 Marcy. 1833. A. J. 56:9-10
1825. A. J. 48:21

2679

Parks. Public grounds. Boulevards*See also 798, State parks*

- a New York city. Provision for Central park.
Morgan. 1860. A. J. 83:30
- b New York city. Central park commissioners. "For the sake of efficiency it is suggested that the number of commissioners be reduced from 11 to 5."
Morgan. 1861. A. J. 84:28
- c New York city. Central park: progress of work.
Morgan. 1862. A. J. 85:21

2698

Baths and gymnasiums

- a Need of public baths in New York. Clinton, D. 1820. A. J. 43:15
1825. A. J. 48:21
Marcy. 1833. A. J. 56:9-10

2700

Roads. Streets

- a "Necessity of rendering laws on roads and bridges more effectual."
Jay. 1796. A. J. 20:6
- b "The determination of the proper control of streets should not be made to depend upon the partiality or favoritism of the Legislature but should be governed by some fixed principle and rigidly adhered to."
Hill. 1889. A. J. 112:569-70
- c "Legislature should pass a general law prescribing certain kinds of improved roads outlining the methods of raising and expending the necessary moneys and authorizing any county upon the vote of the board of supervisors to avail itself of the provisions of the statute."
Flower. 1893. A. J. 116:42-43
- d "I think that the Legislature might by a committee put itself into communication with the national and state authorities and acquire all available information as to plans and experiments with a view to obtaining good roads throughout the state."
Morton. 1895. A. J. 118:26-27
- e "Subject of road improvement becomes more important every year."
Morton. 1896. A. J. 119:29-30
- f "Means of obtaining good roads is worthy of the most careful attention."
Black. 1897. A. J. 120:20
- g "Need of improvement is apparent and benefits following it would be extensive."
Black. 1898. A. J. 121:34

2702

State road systems and state aid

- a "Difficulties of transporting stores during war have demonstrated necessity of legislative intervention to encourage establishment of good roads from the Hudson to the St Lawrence, and Lakes Erie, Ontario and Champlain." **Tompkins.** 1816. A. J. 39:11-12
- b Duty of improving old roads and making new where needed, to encourage settlement and industry.
Clinton, D. 1819. A. J. 42:14
 1825. A. J. 48:18
 1826. A. J. 49:12
Clinton, D. 1827. A. J. 50:15
Throop. 1832. A. J. 55:14-16
- c "It has been suggested that the state should proceed to construct through every county two highways running in different directions and intersecting each other in about the center of the county, such roads to be part of a complete general system and to be known as state roads." **Hill.** 1890. A. J. 113:41-43 1891. A. J. 114:20-21
- d "A systematic plan should be adopted for the building of roads so that all parts of the state should be equally benefited."
Odell. 1901. A. J. 124:38-39

2703

Road officers. Overseers. Street commissioners

- a "Neither the convenience of turnpike companies nor the security of public from imposition are promoted by conferring upon Executive the power of appointing commissioners to lay out roads, inspectors to examine them or of issuing licenses to erect gates." This should be given to first judges of counties or other responsible officer, with right to appeal. **Tompkins.** 1816. A. J. 39:12
- b "Statutes providing for keeping turnpike roads in good condition have been in state of inexecution in most counties, in consequence of nonappointment of commissioners." **Clinton, D.** 1818. A. J. 41:8

2704

Road districts

- a Road districts; disadvantages. **Flower.** 1893. A. J. 116:39-43

2713

Road taxes and work

- a "Our road tax is looked upon as a burden and worked out with little fidelity... I hope a better system of road laws will be proposed." **Throop.** 1832. A. J. 55:15-16
- b "The mode of applying the labor assessed and the money raised for roads is conceived to be defective." **Marcy.** 1834. A. J. 57:26
Seward. 1839. A. J. 62:27-28
- c "I would recommend that towns and counties avail themselves of their privilege of adopting the money system of road tax."
Black. 1898. A. J. 121:34

2720

Toll roads

- a Question raised whether in incorporation of turnpike companies the laying out of roads to suit public need has been sufficiently guarded and whether stricter measures ought not to be taken.
Clinton, G. 1802. A. J. 25:7

- b Question raised whether enforcement of laws in regard to turnpike companies can not be conferred on officers already established.

Clinton, G: 1803. A. J. 26:8

- c Recommended that principles be established by which such companies shall be incorporated in future.

Lewis. 1806. A. J. 29:9

- d Laws in regard to turnpike roads are inadequate and poorly enforced. Hence they are the subject of public complaint and need revision.

Clinton, D. 1818. A. J. 41:8

- e "It is a novel and questionable exercise of authority to coerce contributions to turnpike stock."

Clinton, D. 1819. A. J. 42:14

- f Recommended that no toll be charged militia when going to practice.

Clinton, D. 1820. A. J. 43:15

2722

Miscellaneous

- a Recommended that rule be established for passing of carriages on public roads.

Lewis, 1805. A. J. 28:49

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1906

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DEAR SIR: The annual Digest of Governors Messages, the fourth of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws the State Library issues three annual bulletins: Digest of Governors Messages, Index of Legislation, and Review of Legislation.

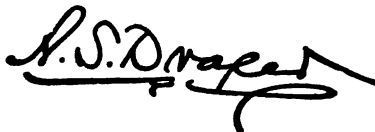
The Digest of Governors Messages is a topical digest covering all the states and including related topics in the President's message. The Index of Legislation is a minutely classified brief summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The Review of Legislation contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals are bound together to form the Yearbook of Legislation.

MELVIL DEWEY

Director

Approved for publication October 25, 1905

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish at the end.

Commissioner of Education

New York State Education Department

New York State Library

MELVIL DEWEY Director

Bulletin 101 Legislation 27

DIGEST OF GOVERNORS MESSAGES 1905

INCLUDING RELATED TOPICS IN THE PRESIDENT'S MESSAGE

October 1, 1904 to October 1, 1905

EDITED BY

Robert H. Whitten, *Sociology Librarian*

EXPLANATIONS

Scope. The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the President's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

Method. The attempt is made to include all definite recommendations concerning legislation made by the governors in the messages. Leading sentences or paragraphs are taken to show all important recommendations. These excerpts are alphabetized by state under each topic. A mere index entry is given at the beginning of each topic for recommendations of minor interest and for general or miscellaneous remarks or comment. A great many of these index entries will be found under each important subject such as Labor, Agriculture, Schools etc. In most cases when coming under these very general heads they stand for a few very general comments or a number of miscellaneous facts or statistics.

Citations. The citations give state, governor, day, month and year of message, and inclusive paging. The abbreviations used

are given below. Many special messages are received in manuscript form and no page reference can be given.

Classification. The classification of the digest is the same as that used in the Index of Legislation and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there are no recommendations this subject number is skipped. }

ABBREVIATIONS

Months

Ja	January	Ap	April	Jul	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

MESSAGES INCLUDED IN THE DIGEST

MESSAGES INCLUDED IN THE DIGEST

Period covered, October 1, 1904, to October 1, 1905. In many states when there is a change of governors a message or address is sent or delivered to the Legislature by both the outgoing and incoming governor. In the following where messages by different governors are listed for the same or very near dates, the first is the message of the outgoing governor and the second that of the incoming.

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New Mexico.....	Miguel A. Otero.....	16 Ja 05	36	
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2679	Parks. Public grounds.
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1

LAW (GENERAL)

2

Statutes

See also 85, Overlegislation; 88, Special laws

- a Cal. Pardee. ". . . every needless law enacted is a detriment, and the making of many minor changes at frequent intervals is to be deprecated. A more thorough revision at greater intervals would be much better." 2 Ja 05, p.5
- b Ct. Roberts. "The written laws of the state, enacted at various times, for the accomplishment of some definite objects, not infrequently contain provisions which operate afterwards in a way not anticipated at the time of their passage, and serve purposes other than those originally contemplated. It is not improbable that statutes intended at the time of their enactment to protect individual interests and to prevent harmful neglects, having effected their purpose, for the most part by their influence and not by their enforcement, may be today more oppressive than protective, and the remedy which they provide more a means for individual advantage than the correction of a real evil. . . ." 4 Ja 05, p.21-22
- c Mass. Douglas. "I wish to urge upon you at the outset the avoidance of so called class legislation—that is, legislation calculated to benefit one portion of our citizenship at the expense of another. In its broadest and most emphatic sense, no general legislation should be enacted that does not distribute burdens and benefits equally upon all." 5 Ja 05, p.3-4

3

Preparation of statutes

- a Cal. Pardee. "I especially advise the utmost care in the framing of statutes to avoid technical defects, which will defeat their purpose. Two years ago I felt obliged to refuse to sign a number of bills, otherwise meritorious, which were so faultily framed that it would not have been safe to let them become laws." 2 Ja 05, p.5
- b Del. Hunn. ". . . Experience has amply demonstrated that laws are not only carelessly, and often ambiguously drawn (in fact, even purposely so) to the great discredit of the General Assembly itself, but that they involve thereby the very peace and welfare of the people. . . With a session of 60 days only, the practice of short daily sessions, and, only those of three or four days in a week, leads of necessity to ill-considered legislation, and through the hurry and congestion of the closing hours of the Legislature, to even fraud itself. It is also a serious question whether the present procedure employed in the preparation, the passage and the enrolment of bills, should not be carefully revised. Certainly, greater care and attention should be given to the matter of enrolment of bills for the sake of accuracy in the publication of laws, and the prevention of fraud." 3 Ja 05, p.4

- c Ind. Durbin. "Experience in the consideration even of the completed legislation of two General Assemblies impels me to the suggestion that greater care should be required not only in the formulation of bills, but in rendering it certain that no important measure shall find its way to our statute books, in the hurry and confusion of a session, involving unforeseen results to the people of the state. In several states an effort has been made to provide for more careful preparation of legislative bills through the appointment of official draftsmen, whether from within or without the membership of the Legislature. A small committee of able and experienced members, selected from the membership of the House and Senate, could render service of the highest value to the state by revising the phraseology of such bills as have been favorably reported from committee, calling attention to features palpably unconstitutional, and, most important of all, attaching to each bill a clear and concise statement of the purpose and effect of the proposed legislation, to be read whenever the bill is brought before either house for action." 6 Ja 05, p.39
- d Mich. Bliss. "Indefinite and poorly worded laws are indefensible. Bills are introduced without proper consideration and many times passed without having taken on the form they should assume if worthy to become the law of the state. Definite provision should be made for the examination of legislative bills before the state is burdened with the expense of their consideration, and the people can well afford to defray whatever expense may be necessary to secure this examination. Such a plan would result in legislation not only more understandable, but less in conflict with kindred laws already in operation and less liable to meet an early death at the hands of the courts." 5 Ja 05, p.3-4
- e Mich. Warner. "Continuous trouble, much expensive litigation, and great injustice to the interests of the people of this state are occasioned by carelessly drawn legislative enactments. Every possible effort should be made to guard against the defects of careless construction of bills. . . ." 5 Ja 05, p.13
- f Pa. Pennypacker. "It would be an advantage if the houses had counsel charged with the duty of ascertaining the relation of proposed legislation to existing laws, and of seeing that legislation is so expressed as to accomplish the object intended. It is not to be expected that legislators should have technical training in law, and it is fair to them that they should be supplied with such assistance. At the last session, several meritorious acts were necessarily vetoed because of imperfect construction." 3 Ja 05, p.13
- g Wash. Mead. "I would most respectfully urge upon you the necessity of having your bills carefully drawn by competent counsel or advisors with the purpose in view of avoiding constitutional objections and thereby saving the state the confusion and expense of acting for a time under a law of doubtful validity." 11 Ja 05, p.18
- h Wash. Mead. "I am heartily in favor of the system followed in some of our sister states whereby the Legislature, by two thirds vote, may submit any bill under consideration by that body to the judg-

LAW (GENERAL)

ment of the Supreme Court, and under the law it is made the duty of the Supreme Court to at once determine its validity and so report to the Legislature. . . ."

11 Ja 05, p.19

4 Time of taking effect

a Mich. Bliss. "Again I warn against the unjust and almost criminal practice of giving immediate effect to laws when the emergency contemplated in the Constitution does not exist."

5 Ja 05, p.3

b N. M. Otero. "... Changes were made in the civil and criminal procedure and in general legislation that took effect immediately after their adoption, while the laws were not printed and distributed until several months afterwards. In the interval, court was held in nearly every district and neither court nor counsel knew what the exact changes and new legislation were. I urge, therefore, that you do not place any laws upon the statute books to go into effect immediately upon passage, but give ample time for the knowledge of them to reach the people, except where it is absolutely essential that an act go into effect immediately, such as the revenue act or an act for the relief of immediate wants and necessities."

16 Ja 05, p.27

c Wash. Mead. "You will be urged in many instances to invoke the provision of the Constitution requiring an emergency clause to be attached so that the bill may become a law at once. . . . It is a matter of common knowledge that the interests of the people are best subserved by the delay of the 90 days intervening between the adjournment of the Legislature and the date on which the acts take effect. . . ."

11 Ja 05, p.18

5 Publication of session laws

8 Indexes

a N. D. Saries, 4 Ja 05, p.4.

10 Codification

a Cal. Pardee. "... It is now more than 30 years since the codes were adopted, the principal object at the time being to rescue the law from the uncertainty of many conflicting statutes and decisions. It was recognized that there were objections to the code system, and in practical operation it does not realize all that was claimed for it by its advocates; but it has been a great improvement upon what existed before, and no one proposes its abandonment. . . ."

2 Ja 05, p.6

11 Revision and compilation

a Ind. Durbin. Report of the Codification Commission. 6 Ja 05, p.9

b Mich. Bliss. Recommendation renewed for a revision and better arrangement of statutes.

5 Ja 05, p.24

c Mo. Folk. "There is urgent necessity for the revision of the statute laws of our state. Revisions heretofore made have been done hastily, with the result that the statutes are full of contradictions, causing uncertainty as to what the law is. . . ."

9 Ja 05, p.14

d N. M. Otero. "I regard it of the greatest importance at this time that the laws of the territory should be revised. . . ."

16 Ja 05, p.27

15 **CONSTITUTIONAL LAW**

This and 750, Administrative law, make up what is commonly known as the Political Code

17 **Boundary. Jurisdiction**

- a Neb. Mickey, Iowa and South Dakota boundaries, 5 Ja 05, p.7. N. M. Otero, boundary line, 16 Ja 05, p.30. S. D. Herreid, State Boundary Line Commissioners, 3 Ja 05, p.32. Vt. McCullough, boundary line between Vermont and New York, 6 O 04, p.17-18. W. Va. White, boundary line monuments, 11 Ja 05, p.56-58.
- b Del. Hunn. New Jersey boundary controversy; compromise recommended. 3 Ja 05, p.25-26

19 **Statistics**

See also 938, Vital statistics

- a Cal. Pardee. ". . . I recommend that the scope of the statistical work done by this Bureau [of Labor Statistics] be enlarged sufficiently to enable it to collect statistics of marriage and divorce and also of crimes, which could be accomplished at small expense, by requiring the cooperation of county and city officers." 2 Ja 05, p.46
- b S. D. Herreid. ". . . Provision should be made for comprehensive statistics relating to the resources and development of the state, and I believe these can best and most economically be obtained through the assessment officers, by having the schedules prepared and the work performed under the general supervision of the Department of History." 3 Ja 05, p.32

20 **Bureaus of statistics**

- a U. Cutler. State Bureau of Statistics. 10 Ja 05, p.41-42

21 **Census**

- a Fla. Broward. "In accordance with section 5 of article 7 of the Constitution, it becomes your duty to provide for the enumeration of all the inhabitants of the state by counties during this year." 4 Ap 05, p.49
- b Mich. Bliss. "As a means of substantially decreasing public expenditures I recommend that an amendment be submitted repealing the constitutional requirement for the taking of a state census. The federal census supplies all the information needed in this direction and at frequent enough periods." 5 Ja 05, p.8
- c N. Y. Higgins. "The Constitution of the state [art. 3, § 4] provides that an enumeration of the inhabitants of the state shall be taken, under the direction of the Secretary of State, in the months of May and June, 1905. Since 1875 no complete census has been taken by the state, although in the years 1855, 1865 and 1875 the census was taken in a complete and thorough manner. The enumeration of 1892 was simply a count of the inhabitants of the state for the purpose of redistricting the state for the election of senators and

members of Assembly. The value of a complete census is undoubtedly great, but such a census would cost at least \$600,000, while a mere enumeration could be had for about \$250,000. . . I am of the opinion that the state should conduct the enumeration at this time at the lowest possible cost consistent with accuracy and thoroughness. . ."

4 Ja 05, p.7

- d Or. Chamberlain. ". . . I urge . . . that our midway census law be amended and modernized, and that either the Secretary of State or the Commissioner of Labor be authorized to cooperate with the federal authorities under the act of Congress referred to, to the end that the census of the state, when taken, may be of some value from a statistical standpoint, and time and money saved in the preparation thereof."

11 Ja 05, p.53

- e S. D. Elrod. "The Constitution requires that a census shall be taken in the year 1905, and to the end that it may be done economically, consistent with efficiency, we recommend that the Secretary of the State Historical Society be made ex officio Superintendent of Census; and that said census be taken by the assessors . . . under the supervision and direction of the said superintendent."

3 Ja 05, p.4

30

Constitutions

32

Revision

- a Ct. Roberts. "I desire to call your attention to the injustice involved in the provision in the amended Constitution, upon which you will act, that provides that a majority of the electors voting can not call a constitutional convention."

4 Ja 05, p.3

- b Mich. Bliss. "It is to be regretted that even though the electorate by a majority of 45,105 declared in favor of the revision of the Constitution, the constitutional requirement of a majority of all those voting at the election was not obtained. . . The Constitution should be revised and made to conform to the progress of the times. . ."

5 Ja 05, p.7

- c N. J. Murphy. "It is now more than 60 years since there has been a constitutional convention in this state. Amendments were made by vote of the people upon recommendation of a commission in 1875, and upon legislative resolution in 1897. . . A representative constitutional convention should be summoned. . ." 10 Ja 05, p.18-19

- d Vt. McCullough. Calling of a constitutional convention opposed.

6 O 04, p.30

38

Officers. Departments

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

- a Col. Peabody. "My experience during the past biennial period has convinced me that the duties imposed upon the executive officers of the state government as members of the State Land Board and

Board of Equalization can not be thoroughly and intelligently carried on by those officers. . . I therefore suggest for your consideration a constitutional amendment providing for the appointment of a board of three members who shall act as the State Land Board and Board of Equalization." 6 Ja 05, p.18

- b Ct. Roberts. ". . . It is generally conceded that this method of management and direction of state affairs [by state commissioners] is the most judicious way to carry on the same. Whether or not it would be advisable, in some instances, to consolidate the business of some of these commissions, tending to a matter of economy, is one that is worthy of thought and consideration. At any rate, I do not hesitate to affirm that there is at present no need of, nor should there be created, any additional commissions." 4 Ja 05, p.17
- c Mon. Toole. The election of all important officers (now appointed) by the people recommended. 2 Ja 05, p.4
- d N. J. Stokes. "Good government is not only the desire of the people, but a just obligation imposed upon their officials. It demands that useless offices be abolished; that state boards, unnecessarily large, be reduced; that public officials render full service for the compensation they receive; that the system of abolishing fees in public office, so auspiciously begun, be extended as far as possible throughout the state, and that a spirit of wise economy pervade our councils. . ." 17 Ja 05, p.23
- f Tex. Lanham. "I direct attention to the plank in the democratic platform relating to nepotism. . . If the public service is now, has been or shall hereafter be impaired or imperiled by the wrongful selection of incompetent clerical employees on account of their relationship to those appointing them, it is a subject in which the people are concerned and an appropriate one for legislative consideration. . ." 12 Ja 05, p.10
- g U. Cutler. "In my opinion there exists an urgent necessity for legislation covering the composition of state boards, both those which deal with general public matters, and those affecting special interests. As now composed, some of these boards are wholly partizan, and some are bipartizan. Some are in a position to be in harmony with the state administration which the people have placed in power, and some are not. Some are amenable to criticism from public sentiment and from an elected source, and some are practically independent of either. . . Every board should be so arranged that in the administration of the state's affairs there can be majority control, the majority being on the side of the political policy which in its state administration has received the indorsement of the electors at the polls. . . I recommend that the maximum term be four years, and that the time of appointment be made to coincide with each incoming state administration, so that the state officers elected by the people, and the state boards that will work with them, may be in perfect accord in period of service and in policy pursued. When it comes to meeting the argument for a lapping-over of terms, I believe

the appointive power of the state, which consists of the Executive and the honorable Senate, is abundantly able to determine, as occasion requires, how many and what officials should be retained for further service.

As to appointive officers under the state administration, I recommend that the commencement and closing of their terms be made practically contemporaneous with the opening and closing of the terms of the general state officers. . . ."

10 Ja 05, p.25-27

38(1 Civil service examination

- a Col. Peabody. "The several departments of our state government can be more efficiently and economically carried on under the principles and rules of civil service as applied to various departments of our national government than through the channels of political preferment and influences. . . . Our school system and the Department of State Engineering and Irrigation should be conducted on a nonpartisan basis."

6 Ja 05, p. 16-17

- b III. Deneen. ". . . Civil service laws are no longer looked upon as experiments. They are in successful operation in most of the European governments and in many of our states. . . . The people will expect you to carry out their will in this regard."

9 Ja 05, p.2

- c III. Yates. Recommendation in regard to merit system renewed with the modification that heads of departments and state institutions should have absolute and unlimited power of removal.

4 Ja 05, p.6-9

- d Kan. Hoch. Merit system commended.

10 Ja 05, p.5

- e Mass. Douglas. "I recommend that the civil service law, giving equal opportunity to all citizens for admission into and promotion in the civil service, shall be extended, to the end that all salaried appointive positions to which the purposes of the law may be found applicable, in the commonwealth, in the counties of the commonwealth, and, with the consent of the mayors, in cities, may from time to time be included within its scope. Many of these positions can not now be placed under the civil service rules without an amendment of the law."

5 Ja 05, p.44

- f N. Y. Higgins. "The Society for the Reformation of Juvenile Delinquents in the city of New York . . . is essentially a state agency and the civil service provisions of the Constitutions should be applied to the appointment and promotion of such employees, as a condition precedent to the further receipt of state aid."

4 Ja 05, p.23-24

- g Wis. La Follette. ". . . I recommend the enactment of a civil service law which shall be applied to all employees in the service of the state, the counties and the cities, outside of the elective officers and such subordinates as may necessarily sustain confidential relations with their chiefs. . . .

Based upon a study of the experience of other states, the conclusion is reached that in Wisconsin there should be a state civil service commission, appointed with the approval of the Senate; that the municipal commission of Milwaukee should be

abolished, and that the state commission should cooperate with the city government and with the heads of all the state departments and state institutions, as is done in Massachusetts and in the federal service, in the examination and selection of public servants on the basis of merit and fitness; there is one point of weakness in the civil service laws which Wisconsin should profit by and correct. . . The appointing officer at the head of the department must necessarily have the power of promotion, removal, suspension, and discipline without appeal to the state commission, but this power can be used oppressively, and the employee with a real or fancied grievance is tempted to go outside and seek the help of politicians, influential friends, or private associations in bringing pressure to bear upon his superior officer. The only way to meet this fault is to provide for a recognized grievance committee, composed of subordinates and selected solely by the subordinates, to investigate all complaints of their fellows, and if they indorse them, to bring them before their superior officers, or before persons designated by him, for conference and arbitration. . . "

12 Ja 05, p.76-78

38(2) *Local*

- a N. Y. Higgins. "The civil service law provides . . . that the State Civil Service Commission may from time to time extend the classification to the other civil divisions of the state whenever practicable. This discretionary power has been exercised in but one instance, when, in June 1900, the classification was extended to the county service of New York, Kings, Queens, Richmond and Erie counties. . . In the smaller counties of the state where the employees are few in number and where the fee system prevails, there is difficulty in applying the merit system effectively, but in these larger counties [Albany, Monroe, Oneida, Onondaga, Orange, Rensselaer and Westchester] there seems no reason why the merit system should not profitably be extended to comply with the mandate of the Constitution."

4 Ja 05, p.23

38(3) *Oath. Installation*

38(4) *Bonds. Sureties*

- a N. D. White "I believe it would be to the advantage of the state if all officers and their deputies should be required to give surety company bonds to be paid for by the state, this especially in the case of the State Treasurer and his deputy. It would result in the officers being untrammelled by personal obligations to their bondsmen and better service would result."

4 Ja 05, p.17-18

38(6) *Qualifications*

- a Col. Peabody. "A word of praise for women is in order when summing up the good in the administration of state affairs. Women conducting our Traveling Library Commission have carried on successfully a new but excellent labor of education. Women have exceptionally well managed the affairs of our public schools, state library dairy and horticultural departments, and other branches of the service of the commonwealth. Public-spirited women on our charities

board, on the boards conducting the dependent children's school, Agricultural College, Girls' Industrial School, and, in fact, in practically every department and institution of the state, have raised the moral tone and maintained or increased the efficiency in the various lines of work in which they have interested themselves." 6 Ja 05, p.16

38(7 Reports

- a N. M. Otero. "I recommend that you pass an act that all officers, boards and commissions who are required to make reports to the Governor, Superintendent of Public Instruction, the Legislature, or any other person, [shall] do so at the close of each fiscal year, and providing that a failure to do so within 15 days after the close of the fiscal year, should subject the party so failing to removal from office by the Executive, and a heavy fine to be collected from him and the sureties on his bond, upon proper suit being brought." 16 Ja 05, p.20

38(8 Salaries. Fees

- a Ct. Roberts. "It is well known that the salaries of the [state] officers are very small in comparison with those of other states, and are hardly adequate for the labor performed and the responsibility assumed, and that in many instances subordinates to these officers are receiving greater compensation than the officers themselves. . ." 4 Ja 05, p.16
- b Me. Cobb. "I . . . recommend that the fee system, so called, be abolished. . ." 5 Ja 05, p.11
- c Mich. Warner. ". . . A system has gained prevalence, especially in the capitol building, of paying practically every clerk \$1000 per year, regardless of length of service, previous experience, or the nature of the work performed. Under this system a majority of the clerks are paid higher salaries than they should receive. On the other hand, no clerk in the departments can be paid more than \$1000 per year, no matter how efficient he may be, nor how responsible a position he may fill. This I believe to be radically wrong. . . I believe legislation should be provided requiring the respective heads of the departments to properly grade the salaries of the employees. . ." 5 Ja 05, p.4
- d N. M. Otero. "I recommend that the commissions on liquor and gaming licenses should be taken from the commissions of the assessor . . . or better still, that county officials be placed upon straight salaries. . . Unless this is done, I recommend in the matter of fees in the office of county collector and ex officio treasurer, that a plan similar to the federal regulation be adopted, establishing a maximum salary limit, and all fees in excess of that amount to be turned into the county school fund. . ." 16 Ja 05, p.12
- e N. D. White. "I would recommend that an investigation of the clerk hire needed in the various offices be made, and the salaries of each deputy and clerk be fixed by law. The present plan of allowing a fixed amount for each office results in a wide variation in the salaries and has caused considerable dissatisfaction." 4 Ja 05, p.18

f Or. Chamberlain. "The platforms of all parties at the last state election declared in favor of placing all state officers on fixed salaries, and the payment of fees, if any, earned by them into the state treasury. . . Several acts were introduced at the last session looking to the fulfilment of these platform utterances, but nothing resulted therefrom, and these pledges remain unperformed. . ." 11 Ja 05, p.35

g Pa. Pennypacker. "There are still some of the departments of the government of the commonwealth which are, to a certain extent, supported by the fees collected and these are received, in whole or in part, by the incumbents. . . All officials should be paid proper compensation for their services and all collections made by them should be paid into the treasury for the use of the commonwealth."

3 Ja 05, p.14

38(9) Tenure of office. Discipline

a N. M. Otero. "In order that the public business be given proper attention at all times and that all territorial officials be equitably treated, I recommend that you pass a law providing that such officials be permitted to leave their offices, during office hours on week days, only after obtaining a permit from the Governor, and that the total vacation period shall not exceed 30 days in any calendar year. . ."

16 Ja 05, p.18

b S. C. Heyward. "In this connection I shall submit a recommendation which I deem most important. For many reasons it would be wiser and better to have all of your state officers elected for a term of four years, not allowing them to succeed themselves. . . The expense and necessary neglect of duty incident to conducting a campaign every two years is alone almost sufficient reason for the proposed change, and the people should also be spared the loss of time and the inconveniences of too frequent campaigns. . ." 10 Ja 05, p.28

c U. S. Roosevelt. "There is no objection to employees of the government forming or belonging to unions; but the government can neither discriminate for nor discriminate against nonunion men who are in its employment, or who seek to be employed under it. Moreover, it is a very grave impropriety for government employees to band themselves together for the purpose of extorting improperly high salaries from the government. . ."

6 D 04, p.4

a Ind. Durbin. "It is an unfortunate provision of our Constitution which plunges a Governor on the first day of his administration, and in a condition of comparative unpreparedness, into a legislative session, and terminates his term in the opening days of a General Assembly to which his counsel, given in the light of lengthened experience and increased information, would be of greater value than that offered at any earlier period of an administration. . ."

6 Ja 05, p.1

- b **Kan. Hoch.** State institutions should be required to send their reports to the governor-elect as well as to the Governor. 10 Ja 05, p.15
- c **Minn. Johnson.** "... I believe that the tenure of this office should be extended to four years, with the provision that the Executive should not be eligible for reelection. . ." 4 Ja 05, p.3
- d **Pa. Pennypacker.** "It has come to be a custom to provide for executive work by the appointment of commissions by the legislative body to whom it is intrusted. Beginning in a small way, the custom has gradually grown until a large proportion of such measures adopted are managed in this way. The Executive is only one of a number of commissioners having responsibility without control. . . A further and very plain objection is that when the Governor appoints, in case of incompetency or misbehavior, he may remove, while the Legislature, after adjournment, does not meet again for two years and can exercise no control over the appointees." 3 Ja 05, p.13
- e **R. L. Utter.** "Previous to the amendment of the Constitution, whereby the official term of the general officers was changed from the last Tuesday in May to the first Tuesday in January, the Governor had a number of months between his assuming office and the meeting of the General Assembly in the January session in which to familiarize himself with the affairs of the state, and he could therefore advise on matters of public concern with a personal knowledge of the existing conditions. . ." 5 Ja 05, p.3
- f **W. Va. White.** "The work of the Governor's office has increased enormously in the past eight years. . . There is much routine work which should not be brought to the Governor, as now required. He should not be required to approve all warrants for the militia, Board of Health, pay roll, and other routine matters from departments." 11 Ja 05, p.81
- 43 **Succession**
- a **Ind. Durbin.** "... I recommend the enactment of a statute providing that the Secretary of State, Auditor of State and Treasurer of State, in this order, as set forth in the Constitution, be placed in the line of succession for the governorship in case of the death or disability of both Governor and Lieutenant Governor. . ." 6 Ja 05, p.40
- 44 **Secretary. Clerks. Employees**
- a **Ari. Brodie.** Additional clerks for Governor's office recommended. 16 Ja 05, p.21
- 45 **Veto**
- a **Kan. Hoch.** "At the last election an amendment to the Constitution was adopted authorizing the Governor to strike out any appropriation without invalidating the whole bill in which it was included. For obvious reasons, the Legislature should pass what is known as the miscellaneous appropriation bill early in the session, to give the Governor time to scrutinize its various items." 10 Ja 05, p.24
- b **Mich. Bliss.** "I urge the submission to the people of a constitutional amendment changing the veto power of the Governor so that he

may record his objections to a part or parts of a bill as he is now empowered to do with reference to any measure in its entirety. It has frequently been the case that objections have been entertained by the Executive to a part of a bill, this occurring more often with appropriation bills than any other item of legislation. . . In the case of many municipalities the veto power of the mayor extends to parts of council legislation as well as to such legislation in its entirety, and the practice has been found to work most satisfactorily. . . It may be argued that the Governor can accomplish the result sought by asking those in charge of a measure to withdraw it from his hands and amend it to meet his objections, but such a practice is an indirect one, and direct methods are always preferable to indirect and more satisfactory in outcome. In addition, the plan advocated is in accord with the process by which the two houses work out legislation until it is satisfactory in the main to both." 5 Ja 05, p.6-7

- c Okl. Ferguson. "Every state Constitution should contain a provision giving the Executive power to veto any unjust feature of an appropriation bill without extending the veto to the bill as a whole. It is to be hoped that this power will be conferred by the Constitution of the state of Oklahoma." 10 Ja 05, p.5-6

- d Or. Chamberlain. "A constitutional amendment should be submitted to the people for adoption which will authorize the Executive to veto any single item in an appropriation bill which meets his disapproval. . ." 11 Ja 05, p.40

49

Secretary of state

- a Ari. Brodie, 16 Ja 05, p.18. U. Cutler, 10 Ja 05, p.23. Wy. Brooks, 11 Ja 05, p.5.

50

Attorney general

- a Fla. Broward, 4 Ap 05, p.47. Okl. Ferguson, 10 Ja 05, p.21. S. D. Herreid, 3 Ja 05, p.25-26. Tex. Lanham, 12 Ja 05, p.12. U. Cutler, 10 Ja 05, p.24. W. Va. White, 11 Ja 05, p. 58-59. Wy. Brooks, 11 Ja 05, p.10-11.

- b Ari. Brodie. Salary of Attorney General should be increased.

16 Ja 05, p.17

- c S. D. Elrod. "The question of increasing the Attorney General's salary should again be submitted to the people." 3 Ja 05, p.9

- d Vt. Bell. "I heartily recommend the creation of the new office of Attorney General. . ." 6 O 04, p.5

- e Vt. McCullough. "I recommend the creation of this office [Attorney General] as a step in the march of progress and in line with the policy adopted in most states." 6 O 04, p.15

55

State examiner

- a S. D. Herreid, public examiner's report, 3 Ja 05, p.25. Wy. Brooks, 11 Ja 05, p.9.

- b Id. Gooding. State Insurance Commissioner should act as bank examiner and traveling accountant. 5 Ja 05, p.19-20

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State institutions

See also 335. Corrections; 2140, Charities; 2220, Education

63

Supervision and administration

- a Ind. Durbin, 6 Ja 05, p.18-20. Ind. Hanly, 9 Ja 05, p. 4-9. Mon. Toole, 2 Ja 05, p.9. Nev. Sparks, 16 Ja 05, p.20. N.J. Murphy, 10 Ja 05, p. 6-7. N. D. White, 4 Ja 05, p.14-16. Or. Chamberlain, 11 Ja 05, p.23-24. Tex. Lanham, 12 Ja 05, p.15. Vt. Bell, 6 O 04, p.4-5. Wash. McBride, 11 Ja 05, p.5. Wash. Mead, 11 Ja 05, p.37. Wis. La Follette, 12 Ja 05, p. 88. Wy. Brooks, 11 Ja 05, p.17.
- b Ari. Brodie. "In the present stage of the territory's growth the Board of Control as now constituted seems to amply meet all requirements in the management of the territorial institutions placed in its charge. As these institutions are enlarged the duties of the Board of Control should widen to meet them, and eventually all institutions in the territory should be placed under the direct supervision, as regards all financial matters, of this Board. . . I . . . recommend that the Territorial Industrial School at Benson be placed under the direct supervision of the Board of Control, and the board of trustees abolished. . ."
- c Cal. Pardee. "In the following table there is shown the per capita cost of maintenance of inmates of a number of state institutions for last year, as nearly as can be ascertained:

INSTITUTION	Average number of inmates	Average cost per capita per diem, in cents
Folsom Prison	810.52	44.15
San Quentin Prison.....	1495 $\frac{1}{2}$	31.12
Whittier Reform School.....	336	79.1
Preston School of Industry.....	150	90.1
Home for Adult Blind.....	120	64.21
Deaf, Dumb and Blind Asylum.....	223.5	75.6
Stockton State Hospital.....	1586.5	36.42
Napa State Hospital.....	1472.5	39.84
Agnews State Hospital.....	1031.5	39.84
Mendocino State Hospital.....	623	47.36
Southern California State Hospital.....	739	50.24
Home for Feeble-Minded.....	520	49.11

2 Ja 05, p.9

- d Ind. Durbin. "The states of Iowa, Wisconsin, Kansas and Minnesota have had satisfactory experience in the experiment of centralizing the general management of the state institutional system in a central Board of Control, the members of which give their entire time to the supervision and direction of the affairs of these institutions, award all contracts, approve all plans for building and improvements, and exercise general oversight in institutional affairs. While we have had admirable results from our present system of in-

dependent boards, the plan of centralization successfully employed by these states appeals to me as a wise and economical arrangement deserving of the careful consideration of the General Assembly."

6 Ja 05, p.27

- e **Kan. Hoch.** "Some of the boards of management should be consolidated, others reduced in number of officers, and still others abolished. . . . A commendable step in the right direction was taken four years ago, at which time the elaborate law known as "the code of charities and corrections of the state of Kansas" was enacted—the act which gave legal existence to the Board of Trustees of the State Charities and Corrections, as it is now constituted. This law, while excellent in many particulars, is defective in many others, in my judgment. . . . The managers of these institutions disburse nearly one half of all the ordinary appropriations made by the Legislature, aggregating, I believe, about \$1,000,000. The board has no office and no common place of keeping records. Its members are not required by law to give all their time to the state, but are permitted to divide their time between their official and private duties. As a matter of fact, I believe they give an inconsiderable part of their time to the public service. The record of their expenditures is kept in each institution itself. . . . I believe that three men devoting all their time to the business interests of the state, with a few assistants, could manage the business affairs of all the institutions in Kansas far better than they are now managed, and save to the people a vast sum of money. To show that my ideas are not impracticable or visionary, let me say that in Iowa a board, consisting of three members, manages 14 charitable, reformatory and penal institutions, while in this state we require the services of 14 people to manage 12 similar institutions. . . ."

10 Ja 05, p.21-23

- g **Minn. Van Sant.** ". . . it is safe to state that the Board of Control has fully justified all that has been claimed for it. Opposition has practically ceased, and in the near future there will be no adverse criticism. All the institutions directly under its charge are in a high state of efficiency, and the great saving to the state has been secured without in any way neglecting the wards of the state. In fact, they were never better and more humanely cared for. . . ."

4 Ja 05, p.7-11

- h **Minn. Van Sant.** ". . . I most earnestly recommend the enactment of a law removing the university and the normal schools from the Board of Control."

4 Ja 05, p.12

- i **Minn. Johnson.** ". . . The Board of Control system obtains now and must be given a fair opportunity to demonstrate its value. . . . Whether or not it is wise to make all of the business, the letting of contracts, and the purchase of supplies open to public inspection, there certainly should be some provision made by which all of the transactions of the Board of Control would be subject to regular inspection and investigation by the public examiner or some other competent authority."

4 Ja 05, p.15

CONSTITUTIONAL LAW DEPARTMENTS

- j **N. H. McLane.** Recommendation of State Board of Charities and Corrections. 5 Ja 05, p.7-8
- k **N. J. Stokes.** ". . . A commissioner of charities and corrections, having at his command a state architect and a state sanitary engineer, could pass upon all proposed new buildings or additions to existing institutions, and serve the interests of economy and the interests of our state wards as well. . . Such an official . . . could visit and receive reports from state institutions, investigate commitments of state wards and see that a proper standard be maintained in all institutions that in any way receive state funds. He should have as his advisory council the heads of our various institutions. . . \$50,000 has been spent in architects' fees alone in the last three years. The proposed department could be maintained at a less expense annually than is incurred for architects and would promote other economies as well as render important service to the unfortunate wards of the state." 17 Ja 05, p.18-19
- m **N. Y. Higgins.** "I also recommend that suitable legislation be enacted to enable the State Board of Charities to transfer in proper cases inmates from one charitable or reformatory institution to another where it appears that such persons more properly belong in an institution of the state other than the one to which they were originally committed. . ." 4 Ja 05, p.10
- n **N. D. White.** "The management of our public institutions I believe should be placed in the hands of a single board of control. Such laws are in operation in a number of states and during the year I have had opportunity to inquire of administration officers as to the working of the laws in the states of Washington, Iowa, South Dakota and Minnesota, and all are unanimous in saying that the management of their institutions by boards of control has proven eminently satisfactory and has resulted in both economical management and efficiency of service." 4 Ja 05, p.17
- p **Wis. La Follette.** ". . . I recommend that the law be so amended as to admit of the addition of one member to the Board of Control of Charitable and Penal Institutions of the state; that such member be a woman. . . " 12 Ja 05, p.91

64

Examination and inspection

- a **Mich. Bliss.** "While it will be necessary for the legislative committees to visit the state institutions if intelligent action is to be taken, it does not follow that these committees should combine forces and indulge in a general junket from which I believe the people are united in asking to be delivered." 5 Ja 05, p.3
- b **N. M. Otero.** "I recommend that a law be enacted providing that whenever in his judgment it should be deemed necessary, the Governor be empowered to appoint a nonpartizan 'board of investigation and inquiry,' to be composed of five members. . . It should be the duty of this board . . . to investigate . . . any territorial or char-

itable institution, towards the support of which the territory appropriates financial assistance. . . ." 16 Ja 05, p.17

- c S. D. Herreid. Woman's Committee of Investigation.

3 Ja 05, p.26

Public documents. Printing

- a Cal. Pardee. "The State Comptroller has submitted the recommendation that a certain sum shall be appropriated and placed at the disposal of the State Board of Examiners to be expended in printing the reports of boards, commissions and officers whose publication has not been otherwise provided for. . . . It would be most unwise, however, to go back to the old practice of making a lump sum appropriation for all state printing, because the present plan of making separate appropriations for each office, as recommended by Governors Budd and Gage, has proved to be much more economical."

2 Ja 05, p.47-48

- b Kan. Hoch. "A reform has long been needed in reference to the commercial printing done for this state. . . . The fees paid to the state printer are doubtless too high in many instances, but the chief cause of complaint is the vast amount of useless stuff printed at state expense, only to find an ultimate sepulcher in the basement of the state house or other receptacles for useless matter. At the last election an amendment to the Constitution was overwhelmingly adopted making the office of state printer elective by the people—a measure that should have been adopted years ago. . . . I believe it would be good policy for the state to purchase a printing plant and put a manager over it upon a reasonable salary. I think the value of such a plant could be saved to the state in a short time.

10 Ja 05, p.6

- c Or. Chamberlain. "At the last session of the Legislature \$50,000 was appropriated for public printing, paper and binding. . . . There are two ways by which this enormous expense may be reduced. First, lower table of fees should be fixed by law. . . . Second, much of the printing now required to be done could be lopped off without in any way impairing the public service. . . ."

11 Ja 05, p.25

- d Pa. Pennypacker. "An earnest effort has been made, in which all the heads of departments have participated, to reduce the bulk of the departmental reports which had gradually grown to unwieldy proportions, and thus to reduce the expense of printing. The report of the Factory Inspector, which in 1903 covered 1206 pages in 1904 was reduced to 190 pages and gave practically as much information. . . . During the last year the expenses for printing have been reduced to the extent of \$107,168.44 from those of the year before. . . . The statute, which regulates our public printing and established the existing schedules, was passed in 1876. . . . The schedules are inadequate and obsolete. . . . It is hoped the legislation on this subject will be revised. . . ."

3 Ja 05, p.3

- U. S. Roosevelt. "I call your attention to the great extravagance in printing and binding government publications, and especially to the fact that altogether too many of these publications are printed. . . ." 6 D 04, p.23

68 State printing boards and officers

- a Col. Peabody. "The wisdom displayed by the 14th General Assembly, in creating the office of Commissioner of Public Printing, has been a general source of congratulation and satisfaction. The commissioner has been enabled to place this branch of the public service upon a business basis, and has saved thousands of dollars for the people of this state, and I doubt if the printing bills have been so small for any biennial period since Colorado was admitted into the Union, as during the past biennial period." 6 Ja 05, p.14-15
- b W. Va. White. "I commend to the Legislature the . . . recommendations . . . of the Secretary of State as to the necessity of placing the public printing . . . in charge of a special department with a superintendent at its head, appointed by the Governor. I regard this as a necessity. This work should be divorced from the office of the Secretary of State and placed under a responsible, trained printer as the head of the department, with a printing commission having supervisory powers. . . ." 11 Ja 05, p.27

70

Distribution

See also 2354, State libraries

- a Mon. Toole. "I suggest that some state officer be made the custodian of all public documents to include Supreme Court reports, the session laws, the legislative journals, reports of state officers, or of any commissioner or board of the state. . . . If this duty was imposed upon the librarian of the Historical Society, I think it could be performed without extra cost to the state." 2 Ja 05, p.8-9

72

Manuals. Blue books

- a Ind. Durbin. Compilation of state manual. 6 Ja 05, p.41

74

Public printing establishment

- a Nev. Sparks, 16 Ja 05, p.20-21.

77

Legislature

See also 2, Statutes

80 Apportionment: general laws

- a Ari. Brodie. ". . . the question submitted by me to the last Legislature of dividing the counties of the territory into assembly and supervisorial districts for the election of members of the Assembly and Board of Supervisors is one which should receive your earnest consideration." 16 Ja 05, p.14

- b Ct. Roberts. "I assume that you will make no change in our fundamental law concerning representation in the General Assembly, as our increased Senate gives to our large centers of population a representation more in keeping with their great and varied interests."

4 Ja 05, p.3

- c Pa. Pennypacker. "The Constitution directs that immediately after each decennial United States census, the General Assembly shall apportion the State into senatorial and representative districts. No senatorial apportionment was made after the census of 1880, 1890 or 1900. Not only is the mandate of the Constitution disobeyed, but the existing condition of affairs is unjust to Alleghany and other counties which have not the representation to which they are entitled. The difficulty has not been with the Legislature, which no doubt would have been entirely willing to fulfil its constitutional obligations, but inheres in the Constitution itself. . ."

3 Ja 05, p.12

- d Vt. McCullough. Increase of representation of larger towns opposed.

6 O 04, p.30

83 United States representatives

- a Kan. Hoch. "The reapportionment of the state into congressional districts is one of the imperative duties of this Legislature. . ."

10 Ja 05, p.4

84 United States senators

- a U. Cutler, 10 Ja 05, p. 4-5. Vt. Bell, 6 O 04, p.8.

- b Mo. Folk. "United States senators ought to be elected by the people, and Missouri should lead the demand for a constitutional amendment providing for this reform."

9 Ja 05, p.12

- c Mon. Toole. The adoption of a joint resolution proposing an amendment to the federal Constitution, providing for the election of United States senators by a direct vote of the people recommended.

2 Ja 05, p.4

- d W. Va. White. Election of United States senators by the people.

11 Ja 05, p.77

85

Overlegislation

- a Pa. Pennypacker. "There is much merit in few laws and in few changes in those which have become known to the people. A wise chancellor of Sweden, Oxenstiern, who was largely responsible for the Swedish settlements along the Delaware, wrote in 1654: 'Though time and variety of accidents may occasion some defects in old lawes, yett it is better they should be borne with than an inundation of new lawes to be lett in which causeth incertainty, ignorance, different expositions, and, repugnancies in the lawes, and are the parents of contention. . .'"

3 Ja 05, p.20

- b Tex. Lanham. ". . . Let us have only necessary and well digested laws, and let the time so valuable to yourselves and the state be essentially devoted to the solution of such problems as are of general interest and affect the people at large, rather than to propositions local and special in their nature and in which the public are not vitally concerned. . ."

12 Ja 05, p.3

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- c U. Cutler. ". . . Every law should be able to stand two tests: (1) that the enactment is necessary, and (2) that the law is clear in all its terms. . . . Overlegislation is fully as harmful as insufficient legislation. . . ." 10 Ja 05, p.4

88

Special laws

See also 110, Legislative procedure

- a Mich. Bliss. ". . . General laws ought to take the place of the dangerous, omnipresent, oftentimes loaded local bill, and thus enable localities to decide for themselves whether they desire to avail themselves of the machinery so provided. . . ." 5 Ja 05, p.3
- b N. J. Murphy. "The New Jersey Constitution, as amended in 1875, limits legislation to narrow bounds. The varied needs of state and local government have led to evasions of the restrictions, and confusion has arisen in laws of great importance. Appeals to the courts upon the constitutionality of laws are incessant, when they should be rare, and then only upon broad issues. The status of laws which affect the daily business of the people is left in doubt, and the courts are burdened with the construction of the acts which would, under a simpler system, be as easily understood by the layman as the lawyer. . . . The Legislature should be intrusted with the enactment of laws which would meet the different needs of the municipalities, and the whole system should be made more elastic. The Legislature represents the people, and I am sure that an enlightened public sentiment would guide it in right paths if its power should be increased." 10 Ja 05, p.19-20
- c N. Y. Higgins. "I desire to renew the recommendation of my predecessors, that laws, so far as possible, be general in their application and that the unnecessary multiplication of statutes be avoided. . . ." 4 Ja 05, p.28

95

Internal organization

96

Bribery. Illegal practices

- a Ind. Durbin, 6 Ja 05, p.43-44.
- b Mo. Folk. "... In order to aid in the investigation of rumors of corruption, laws should be enacted compelling witnesses to testify as to their knowledge of bribery transactions and exempting such witnesses from prosecution for any matters directly or indirectly growing out of such testimony. It often happens that corruption, by reason of the secrecy with which it works like the mole underground, does not come to light until years after, and the present statute of limitations of three years is too short a time to bar prosecution for the offense; the statute should be five years instead of three. To take away the incentive for bribery, as far as possible, all franchises, rights and privileges secured by bribery should be declared

null and void. When one steals a horse he can not transfer any title to it, and the owner may recover it wherever found. This rule should be made to apply to the people's property, stolen from the people by bribing their representatives, and the people should be entitled to reclaim their own. The law should require all franchises to be sold at public auction, and a sufficient length of time allowed after the sale for anyone to raise the bid, to prevent collusion. These laws will aid in suppressing bribery, but all laws will be impotent to accomplish this result unless the hearts of the people are right, for the remedy for corruption, in its last analysis, is in the public conscience."

9 Ja 05, p.7

99

Lobbying

- a Wash. Mead, 11 Ja 05, p.38-39
- b Ind. Hanly. "... All lobbyists are not corrupt, and it may be that they sometimes perform useful public service, but the paid agent of any special interest is not, as a rule, a safe counselor. . . You can end the reign of the lobbyist in Indiana if you will, and I venture to express the hope that you will do so." 9 Ja 05, p.23
- c Mo. Folk. "It is proper that railroads and all interests, quasi public and private, should have the right to appear before legislative committees, and present reasons for or against the passage of any bill. They likewise should be accorded the privilege of addressing the individual legislators in a proper way, but the maintenance of a professional lobby breeds corruption, and should not be permitted. Professional lobbying should be made a crime. . . It is sometimes hard to determine where legitimate lobbying ends and professional lobbying begins, but I apprehend little difficulty in the line being drawn at the proper place. No legislator should permit a lobbyist, or any one else, to urge upon him, in private, reasons for or against the passage of a bill that could not be published." 9 Ja 05, p.8-9
- d Neb. Mickey. "The bane of every legislative body is the subsidized lobby. . . I recommend that such action be taken as will protect your membership from the onslaught of private and corporation lobbyists who seek to accomplish pernicious ends by the exercise of undue influence, being careful to draw the line of demarcation between the corruptionist on the one side and the honest and untrammelled advisor and counselor on the other." 5 Ja 05, p.12-13
- e N. M. Otero. "I would go so far as to exclude professional lobbyists from the floor of the House or Council, while either body is in session. . . ." 16 Ja 05, p.26
- f Okl. Ferguson. "... The Legislature will be sustained by public sentiment . . . in taking steps to protect itself against any unlawful outside influences." 10 Ja 05, p.29
- g W. Va. White. "I renew my recommendation made to the Legislature two years ago for the amendment of the law of 1897, regulating the evil of professional lobbyism. . . ." 11 Ja 05, p.79
- h W. Va. Dawson. "One of the great evils of the present day is the corrupt lobbyist at our Legislatures. . . Every interest has

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a right to be heard; and the fact that they pay men to advocate their side of a question, is not objectionable; but what is objectionable, and what ought to be stopped, is the paid lobbyist who resorts to sinister efforts and uses unrighteous means. . . " 4 Mr 05, p.4

- i Wis. La Follette. ". . . I urge upon your consideration the enactment of a law that shall make it an offense punishable by the heaviest money penalty, and by imprisonment as well, for any lobby agent or lobby representative, employed and paid for his services by others, to attempt personally and directly to influence any member of the Legislature to vote for or against any measure affecting the interests represented by such lobbyist." 12 Ja 05, p.73

- j Wis. La Follette. Special message on lobbying: "I commend to your considerate judgment the enactment of a statute making it a penal offense for a paid lobbyist to approach a legislator privately or personally upon any matter which is the subject of legislation." 25 My 05, p.6.

100

Officers and employees

- a N. M. Otero, extra employees, 16 Ja 05, p.30
- b Ind. Durbin. "Hereafter appropriations made to officials of the House and Senate for the preparation of the journals of the two bodies should be made available only when the Governor shall have certified the completion of the work. The immediate availability of the compensation has had an apparent tendency to delay the preparation of the copy for these publications." 6 Ja 05, p.40
- c W. Va. White. "The attention of the Legislature is regretfully called to the extravagance of the last session of the Legislature in the matter of Senate and House employees. . . ." 11 Ja 05, p.79

105

Legislative procedure

106

Bills

- a Cal. Pardee ". . . It would be no small legislative reform if some means could be found to impose a check upon the introduction of a multitude of bills which will never accomplish any other purpose than to waste the state's money when they are printed, or to cumber the files when they are reported. That the work of the Legislature is so well done, when the disadvantages under which it is conducted are considered, is remarkable. . . ." 2 Ja 05, p.4
- b Mich. Bliss. "The state is to be congratulated upon the adoption of the amendment abolishing the so called 50 day limit for the introduction of bills, an act which it is believed will materially shorten the biennial legislative session. . . ." 5 Ja 05, p.7

108 Enrolling. Engrossing. Printing

- a Del. Hunn. Preservation and binding of enrolled bills.

3 Ja 05, p.25

- b Ind. Durbin. "With a view to preventing changes or erasures in bills, the last General Assembly passed an act providing that bills shall be engrossed and enrolled from specially designed type selected by the State Board of Printing and copyrighted for the exclusive use of the state. The State Board of Printing has carried out the purpose of this act by the adoption and copyrighting of a distinctive type face which it will be impossible to successfully counterfeit." 6 Ja 05, p.39
- c Wash. Mead. "I desire . . . to call your attention to the necessity of having your bills correctly enrolled. An examination of the decisions of our Supreme Court will satisfy you that great confusion has resulted, and rights have been jeopardized on account of the hasty enrolment of bills during the closing days of the session. . . ." 11 Ja 05, p.18

109

Financial procedure

- a Mich. Warner. "Through a recent review of the items and aggregate of the appropriations made by the last Legislature, my attention was directed to the fact that the appropriations for some of our state institutions and state commissions have been included in what is known as a general purpose tax, the items of which were probably not fully considered by the legislative appropriation committees. It would be best to have the general purpose bill include only such lines of expenditure as could not well be definitely provided for through legislative action. It is best to have thorough consideration given to every proposed expenditure, and, inasmuch as including some expenditures under a general heading prevents consideration of each item, I would urge that every board and institution be placed in the list of appropriations requiring special action and a definite appropriation." 5 Ja 05, p.6
- b N. J. Murphy. ". . . I have sometimes thought that they [the appropriation committee] erred in not making a personal visitation to the various institutions of the state for which they are called upon to provide. . . . If it is found impossible for the committee to go as a whole, let me suggest that no appropriation be finally determined upon by that committee for any of the institutions of the state until at least one member of that committee has been charged with the duty of personal inspection." 10 Ja 05, p.14
- c N. Y. Higgins. "I recommend that all appropriations to enlarge or improve the state charitable and reformatory institutions be included in one bill with such provisions as will in every instance insure the most careful and economical expenditure of the moneys appropriated." 4 Ja 05, p.10
- d Okl. Ferguson. ". . . A general appropriation bill should contain only such provisions as refer to necessary expenses in maintaining the various features of the state government. All private or individual appropriations should be considered separately. . . ." 10 Ja 05, p.6

110

Local and private legislation

See also 88, Special laws

- a **Tenn. Frazier.** "I am constrained from a sense of public duty to call your attention to a custom which has grown upon legislative bodies in our state, which, if persisted in, I fear will lead to much ill-advised and vicious legislation. It is the custom of passing laws applicable to a county of a specified population, under the doctrine of "senatorial courtesy," without due consideration, at the instance of the member who, for the time being, represents that particular county. . . ." 3 Ja 05, p.31-32

113

Sessions

- a **R. I. Garvin.** "In assembling at this time I deem it a duty to call your attention once more to the dangers of a November or December session of the Legislature. . . Both of the great parties . . . are committed fully and explicitly against the holding of this session. . . ." 15 N 04, p.3-4
- b **S. C. Heyward.** "At your preceding session an amendment to the Constitution providing for biennial sessions of your body having been agreed upon, it was submitted to the qualified electors of the state at the general election, a majority of whom voted in favor of this amendment. Believing as I do, that biennial sessions will afford all necessary legislation, and will result in a retrenchment of expenses, I trust you will ratify this vote in order that the amendment may become effective. . . ." 10 Ja 05, p.27

115

Direct legislation

- a **Mass. Douglas.** Referendum should be applied to city and in certain cases to state legislation, particularly to the granting of franchises. 5 Ja 05, p.25-27
- b **Mon. Toole.** Submission of an amendment to the state Constitution providing for direct legislation after the manner and form of the Oregon amendment recommended. 2 Ja 05, p.4
- c **Wis. La Follette.** ". . . Grants of public service franchises directly against the city's interests are so common as to become the rule rather than the exception. . . Students of municipal questions, almost without exception, advocate a modified system of direct legislation for cities. . . ." 12 Ja 05, p.80

116

Citizenship. Civil and political rights

See also 129, Suffrage

117

Citizenship

- a **U. S. Roosevelt.** ". . . The laws relating . . . to citizenship of the United States ought also to be made the subject of scientific

inquiry with a view to probable further legislation. . . I recommend that an examination be made into the subjects of citizenship, expatriation and protection of Americans abroad, with a view to appropriate legislation." 6 D 04, p.26

118

Naturalization

- a U. S. Roosevelt. Naturalization laws should be revised.

6 D 04, p.26

126

Elections. Political parties

See also for term of office, vacancies, etc. the various officers under state and local government

- a Col. Peabody. "The fraudulent conduct of elections under our present system demands your immediate and concerted action. Your proper committees will, no doubt, have the facilities and desired information with which to handle this subject, but in a general way it seems sufficient to say that a modern primary and registration law should be enacted and the advisability of introducing voting machines should be considered. . . ." 6 Ja 05, p.19
- b Mo. Folk. ". . . Amendments would be advisable giving election commissioners more power to supervise the work of judges and clerks, and to enable any citizen, upon filing application, to question the legality of any registered vote, to the end that the registration lists may be purged of fraud before the day of election. . . ." 9 Ja 05, p.10
- c N. M. Otero. "I recommend: first, a revision of our primary laws. . . Second, a severe penalty for attempting to bribe or for actually bribing any voter, public official or legislator or for accepting a bribe. . . Third, more rigid legislation to enforce the appointment of qualified and competent election boards in every precinct, and a registration of voters, based upon the personal appearance of the citizen to be registered. . . ." 16 Ja 05, p.26
- d Tex. Lanham. "As far as tried the election law passed by the 28th Legislature appears to have met with general popular approval. . . The law should be reconstructed with a view to grouping under appropriate heads the several subjects which it embraces; the elimination of conflicting and inconsistent provisions; the thorough condensing of matter relative to the same subjects which appears in different sections; the making it less cumbersome and expensive in some of its machinery, and the adoption of proper amendments, rendering it more harmonious and effective in accomplishing the purposes contemplated. . . The present law needs revision in regard to issuance of poll tax receipts, preparation and distribution of election supplies, furnishing poll tax receipt and certificate of exemption rolls, and providing ballots. The duties of officers in furnishing and issuing election supplies and official ballots and arranging for the expenses incident to the same in primary, general and special elections should be more specifically defined. The independent candidate is now practically

debarred from offering for office. An official ballot should be provided for independents. Provisions should be made for filling vacancies in case of the death or resignation of a nominee, and for a second primary in the event of a tie. The duties and powers of executive committees should be more clearly defined. Commissioners Courts should be given more discretion as to the time when voting precincts may be established. . . ."

12 Ja 05, p.11

- e W. Va. White. "Our present election laws need thorough revision in order to make them more effective. . . ."

11 Ja 05, p.24

129

Suffrage: qualifications

134

Nationality. Race

- a N. C. Glenn. "Four years ago, at the close of an administration that engendered bitterness between the races and promoted riot instead of peace, the present retiring administration commenced its arduous labors, under an amendment to our organic law, far-reaching in its provisions, and untried as to its results. . . . Today no one, save the vicious, who desire to use the negro's vote for corrupt purposes, would willingly see the amendment repealed, and a great majority of our people, if the Constitution of the United States shall rightfully demand it, would rather give up a part of our representation in Congress than return to conditions that confronted us prior to its enactment. . . ."

11 Ja 05, p.3

137

Suspension of right. Disqualifications

140

Criminals

- a Cal. Pardee. ". . . I suggest that §1593 of the Penal Code, which authorizes the Governor to grant restoration [to citizenship] by a simple executive order to a prisoner who is about to be discharged, be so amended as to authorize restoration in a similar manner to one who after discharge has made a sincere effort to be a good citizen."

2 Ja 05, p.37

146

Women

- a Kan. Hoch. ". . . Municipal suffrage has worked no ill to womanhood or to the state, and seems to be satisfactory to the people."
- b N. Y. Higgins. "I recommend to the consideration of the Legislature both the extension and restriction of the right to vote at special tax elections in cities of the third class, to those residents whose names shall be on the assessment roll, without limitation as to sex. . . ."

10 Ja 05, p.20

4 Ja 05, p.12-13

147

Minority representation

- a Ill. Deneen. "Under that section of our statutes relating to cities and villages permitting the formation of sanitary districts, the sani-

tary district of Chicago has been established. The administration of its affairs is in the hands of a board of nine trustees. The provisions for the election of such trustees are peculiar. Under the law in relation thereto, each qualified voter 'may vote for as many candidates as there are trustees to be elected, or he may distribute his vote among not less than five ninths of the candidates to be elected, giving to each of the candidates among whom he distributes the same, the same number of votes or fractional parts of votes.' The purpose of this provision was, undoubtedly, the securing and maintenance of a nonpartizan board; but its operation has resulted instead, in the creation of a bipartizan board. Under the present law, each party nominates five candidates. Since but one candidate can be defeated, the citizen is not afforded a free opportunity to pass upon the records of the individual candidates, regardless of party. This is undemocratic in principle. The people can be trusted to select public servants unhampered by any restrictions upon their freedom of choice. The opportunity to do so is not secured to them under the present system. . ."

9 Ja 05, p.7-8

Corrupt practices. Election offenses

See also 167.

- a Col. Adams. "The election scandals in Denver, Teller, Pueblo, Huerfano, Las Animas and some other counties indicate a needed change in our election laws, and demand the enactment of an honest and efficient primary law. . . The vast amount of money that is now deemed necessary for the conduct of an election is one of the strongest indictments that can be made against prevailing political methods. The state chairman of one political party made oath that he spent at the recent state election nearly a dollar and a half for each vote his party received. The other state chairman also testified to a large expenditure. Other interests deeply concerned in the campaign, but not compelled to publish their expenditures, must have spent two or three times as much as the chairmen—to this add the amounts spent by the chairmen of the 59 counties—the city chairmen—the various local committees and the personal expenditures of the hundreds of candidates, and we have an amazing total—certainly amounting to \$5 for every vote cast in the state. When we deduct the very large majority of Colorado voters who can not be influenced directly or indirectly, by campaign money, and divide the cost among the comparatively few who are influenced by financial agents and organizations, we have an outlay for each such vote that rivals the record of some of the elections in the rotten parliamentary boroughs in England that shamed the British Empire a few years ago. There was spent in Colorado politics during the past year nearly as much money as the cost of the first campaign that made Abraham Lincoln President of the United States. . ."

10 Ja 05, p.5-6

- b Ind. Durbin. ". . . I believe that I speak for the vast majority of the people of this state when I say that the time has come for the application of drastic remedial measures to the plague of corruption which is fastening itself upon our politics to an extent appalling to those who look forward to the ultimate in the sort of progress that has been made along these lines in recent years. . . I am informed by unquestioned authority that in a single county of this state casting in 1902 a total vote of little more than 5000 there were in the last campaign nearly 1200 voters regularly listed as purchasable and that \$15,000 raised by assessment from candidates and otherwise were spent by the contending political parties in the effort to control that county. . . The striking fact about political corruption is that it is as much a communicable plague as leprosy; that every year, in any community where the vote-buying system has become prevalent, there is a growth in the number of those who are ready to make merchandise of the suffrage. . . Instances have been brought to my attention during the last few weeks where in contests for the office of township trustee, votes have commanded as high as \$25 or \$30 each, and where citizens of substance have prostituted their honor for that price. . . The evils of this system do not cease with the loss of honor involved in the act of the individual who sells his vote. It makes necessary the creation of large campaign funds often collected from special interests which expect the payment at public expense of far more than value received by the party succeeding to power. It makes necessary an assessment of candidates for local office so heavy that no poor man unwilling to mortgage himself to those who expect to use him, or to seek recompense by imposition upon the public, may aspire to public position. . . Our present statute against the crime of suffrage prostitution is nothing short of farcical. It provides for the temporary disfranchisement of any person selling his vote. It places no penalty on the vote buyer, on the theory that to impose punishment upon both parties to the transaction would make conviction impossible. Accepting this theory, punishment should be prescribed for the vote buyer and not the vote seller. . ."
- 6 Ja 05, p.4-6
- c U. S. Roosevelt. ". . . I recommend the enactment of a law directed against bribery and corruption in federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector; and provisions for the publication not only of the expenditures for nominations and elections of all candidates but also of all contributions received and expenditures made by political committees."
- 6 D 04, p.27
- d W. Va. White. "The law should . . . provide that but one party should be subjected to punishment in the buying or selling of

votes. . . The punishment should be fixed at disfranchisement for a term of years, say five years. . . " 11 Ja 05, p.24-25

- e W. Va. White. "... A clause should be added making it the duty of the prosecuting attorney to have the first grand jury after every election make a full investigation of all election matters by summoning all the members of different political committees. The evidence should be taken down by a stenographer and written out and submitted to the court and it made the duty of the judge to convene another grand jury if, in his opinion, any indictments were omitted to be brought which should have been. § 8 of chapter 120 should be amended so as to include all election officers, making it their duty to inform the prosecuting attorney of any violation of the penal laws coming to their knowledge. . . " 11 Ja 05, p.25

150

Corrupt practices acts

All laws requiring candidates or committees to file a statement of election expenses are included under this head.

- a Mich. Warner. "... The question as to whether the expenditure of money by candidates for nomination to office and of candidates for election should be limited in amount, is an important one and should receive your most careful consideration. The man of moderate means ought not to be put at a disadvantage in a contest for nomination or election with a man of great wealth." 5 Ja 05, p.12
- b Or. Chamberlain. "Laws have been passed in many states limiting the amount of money allowed to be spent in elections by candidates and party organizations, and requiring itemized statements . . . to be filed. . . I suggest the passage of such a law at this session." 11 Ja 05, p.39

154

Corporation funds

- a Wis. La Follette. "... I believe it to be vitally important that corporations should be prohibited by law from contributing money for political purposes. . . " 12 Ja 05, p.73

156

Intimidation

- a Wis. La Follette. "I recommend the adoption of a law prohibiting under severe penalties, any corporation, or other employer, from interfering, in any manner, with the free and independent exercise of the right of suffrage on the part of any employee." 12 Ja 05, p.74

160

Nominations. Parties

- a Ari. Brodie. Recommendation of 1903 for primary election law renewed. 16 Ja 05, p.14
- b Fla. Broward. "I recommend that the primary law be so amended as to make the calling of primary elections mandatory upon the committee, now empowered to call the primary election, instead of optional, as it now is." 4 Ap 05, p.41

c. Fla. Broward. "I . . . recommend that a law be enacted requiring the payment by counties of all . . . expenses of holding primary elections in the same manner as the expenses for holding general elections are now paid." 4 Ap 05, p.42

d. Ga. Terrell. ". . . I most earnestly urge . . . a measure providing an elective system as set forth in the platform of the democratic party; also a measure providing for primary election contests. Our party nominations are equivalent to elections, and the will of the voters should be freely and fairly expressed, and when so expressed, be truthfully and accurately declared." 28 Je 05, p.16

e. Ill. Yates. Recommends the primary election system but the convention should be retained. . . "I am inclined to think . . . that it is not yet time to abolish the convention, but that conventions are still necessary to ratify the results (after the election officers have canvassed the returns), to frame party platforms, and declarations of principles, to select the members of the central or managing committees, and for such other purposes (other than nomination of candidates), as pertain to conventions. . . "

4 Ja 05, p.10-15

f. Ill. Deneen. "Our state needs a compulsory primary law. In but six of our counties is there such a law. In the other 96 counties, the rules for conducting primaries are made by the committees. . . Such is the lack of confidence in the conduct of our primaries that, in warmly contested primary elections, each faction holds its own convention, in the hope that the committee on credentials in the higher convention will recognize its claims. . . I believe a law should be enacted, embodying, at least, these features:

Provisions requiring each political party to hold its primaries in every county and township in the state on the same day; that the day and hours shall be fixed in the statutes; that judges and clerks therefor shall be appointed by the judge of the County Court; that the names of all candidates for offices shall be printed on the ballot, with squares in front of each, thus giving to the voter an opportunity to designate his choice. . . "

9 Ja 05, p.1

g. Kan. Hoch. ". . . The importance . . . of a primary election law . . . would seem to need no argument . . . Some general features . . . would seem to be especially free from reasonable objection, namely, that the party primaries should all be held upon the same day and under substantially the same general rules as those which govern the general election; that the law against perjury should obtain here as there; and all the ordinary safeguards now thrown around the general election should guard the primary ballot box. Personally, I am of the opinion that no one should be permitted to vote at a party primary who had not identified himself with that party at the last general election, because one of the evils of the present system is, that members of an opposing party will help nominate candidates upon another ticket, often for the express purpose of having a weak ticket in opposition to theirs. . . "

Among the provisions of the law in [Wisconsin] . . . is one practically providing for the election of United States senators by the people (a consummation devoutly to be wished here as everywhere). . . "

10 Ja 05, p.3

- h **Mich. Bliss.** ". . . That an honest effort should be made to enact legislation reforming the present system of nominating candidates is beyond argument. I . . . call special attention to the advisability of effective laws applicable to such cities as may desire them, and a general law to be made operative wherever the people may elect. . . In my opinion one of the most vital principles of the reform is the securing of effective machinery to the end that parties may make their nominations independent of interference by those outside of their lines. The holding of all caucuses and primaries on the same day will be found to be a long step in this direction."

5 Ja 05, p.5

- i **Mich. Warner.** ". . . The last Legislature complied with the requests of the representatives of three counties (Wayne, Kent and Muskegon), for a change in the system of making nominations for city, county and legislative offices. In some particulars the operation of these laws has been satisfactory and in others decidedly unsatisfactory. Either by party registration, or in some other way, interference of members of one political party in the affairs of another party should be made very difficult, and prevented altogether if possible. If party registration be adopted as the plan to work the desired reform, then registration should be required a sufficient time in advance of the primary to show that the voters who register do so to give themselves the right to participate in the affairs of the party whose principles they believe in, and not for the purpose of giving themselves the right to vote for individual candidates for nomination by some political party other than their own.

Legislation should be had that will permit the people of such localities as favor a change in present methods of selecting party delegates and party candidates to make such changes as they deem desirable and best. . . "

5 Ja 05, p.12

- j **Mo. Folk.** ". . . A state primary law should be enacted, whereby all nominations for state, county and municipal offices will be made by primary held on the same day all over the state by all political parties, with the same number of voting places as in the general election and the expenses paid in the same manner. . . The professional boss delights in a multiplicity of primaries and conventions. The ordinary citizen, after attending one or two conventions and primaries, becomes weary and gives his attention to other matters, leaving the field to those who are in politics for revenue only. . . With a state primary law, there would be just two days that the citizen would have to devote—one to go to the polls for the nomination and the other to go to the polls and vote in the general election. . . "

9 Ja 05, p.11-12

CONSTITUTIONAL LAW ELECTIONS

- k **Vt. McCullough.** "I again urge the General Assembly to adopt an efficient primary election law." 6 O 04, p.18

160 (3)

Direct nominations

- a **Minn. Van Sant.** "The merits of our primary law have been demonstrated. . . It is, in my judgment, wise to so amend our present primary law as to require by this method the nomination of candidates for all state offices. And I would further recommend that nominations for United States senators be made in the same manner." 4 Ja 05, p.35
- b **Mon. Toole.** A law should be passed providing for direct primary elections under the Australian system, a substantial basis for which may be found in combining the better features of the Oregon and Wisconsin laws on this subject. 2 Ja 05, p.4
- c **N. D. Sarles.** "Two years ago and again last year the republican state convention declared in favor of a system of primary elections. . . The question is one of great importance and worthy your most careful and deliberate consideration. . ." 4 Ja 05, p.6
- d **N. D. White** ". . . Both political parties of this state in their platforms have declared for a primary election law, permitting the electors to vote directly for the candidates to be placed upon the ballot. . . I believe that it should include every officer to be elected within the state. The law recently adopted by a direct vote of the people in the state of Wisconsin seems to me to be an act that would meet our needs most admirably." 4 Ja 05, p.19
- e **S. D. Elrod.** "We think there is no pressing need for the enactment of a primary election law providing for direct nominations . . . In theory such a law is plausible but in results it is not yet a success in any state where tried. . . If such a law is enacted, at least 90% of all our offices will be filled by men who live in towns and cities, and it would be only a question of time until the rural districts would be unrepresented. . . Such a law is expensive both to the taxpayers and to candidates. . . With a primary election law the office in no sense seeks the man, but the man seeks it, in many instances buys it. The poor man, the man of small means has no show against the man of means. . . A good caucus law is all that is needed. . ." 3 Ja 05, p.7-8
- f **W. Va. White.** "The time has come when we should have a general law regulating the nomination of candidates for public office by direct vote. . ." 11 Ja 05, p.25
- g **Wis. La Follette.** Nomination by direct vote. 12 Ja 05, p.74-75

167

Offenses

See also 149, Corrupt practices

- a **Fla. Broward.** "I . . . recommend that all persons, who may be candidates before any primary election in this state, be required to file with the committee calling the primary election a

sworn itemized statement of all expenses incurred by him in said primary election, and to state therein the source of all contributions to his campaign fund, and fixing a severe penalty for failure to file such statement. I further recommend that the law be amended so as to provide severe penalties for: miscounting of votes by inspectors and clerks in all elections; and for bribery or intimidation of voters in any election. And I further recommend that any person accepting a bribe be exempt from punishment, who will inform or testify against the person or persons who bribe or intimidate him in any way."

4 Ap 05, p.41-42

168

Parties

- a Ind. Durbin. ". . . The best politics in public administration is the absence of politics as a controlling motive; the best politics in legislation is patriotic devotion on the part of the legislator to our whole citizenship, without regard to party. The time ought to come when there is no necessity in our General Assembly, which has before it for consideration practically no questions of national policy, for a division into the majority and minority side, and when the only line of demarcation drawn should be the self created boundary between those who seek unselfishly to serve the public weal and those whose purpose in public life is the furtherance of ends inconsistent with the general good." 6 Ja 05, p.3
- b Mich. Warner. "Party responsibility can not be nor should not be divorced from official acts in legislative and administrative halls, but in the control and management of the affairs of a great state, partizan politics should never be the ruling motive. That only one political party is to be represented in your deliberations makes the responsibility the greater and the necessity for a proper subjection of party spirit more obvious." 5 Ja 05, p.3

170

Districts. Notices. Days

171

Days. Hours

- a N. J. Murphy. Polls should close at sunset. 10 Ja 05, p.17

175

Ballots. Voting

- a Del. Hunn. "The Australian ballot law now in operation in this state, is not only complex and inelastic, but costly to a degree not compensated for by any political benefit that has been received. The provisions as to voting, including the booths, and the police regulations generally, insuring orderly and peaceful elections, are of inestimable advantage, and, in any amendment to the Election Laws, should be retained; but the ballot itself, should be done away with, and any political party, entitled under proper law to recognition, should be permitted to print its own tickets, at its own expense, upon uniform paper, of uniform size, and with uniform type, giving thereby

to the people the fullest opportunity to exercise the right of suffrage in the freest and most elastic manner. Under the present complicated blanket ballot, without a voter's assistant, thousands of votes are lost through inability to vote anything except a straight ticket; with a voter's assistant, great complaint is made that it leads to fraud and bribery. The only proper ballot for a free people is one that any citizen can secure before election day, and prepare beforehand to suit himself when he comes to vote. . . . 3 Ja 05, p.22

- b R. L. Utter. ". . . Since the establishment of the State Returning Board . . . whose members carefully scrutinize and count the ballots cast in all general elections, it has been found that many voters are being practically disfranchised, either through their own carelessness or ignorance or from causes for which they are not personally responsible. . . . It is . . . self-evident that a wide latitude must be allowed those who count the ballots in determining what are and what are not "distinguishing marks," which invalidate the ballots. . . . I recommend the adoption of such amendments to our present law as will permit a voter to express his choice by a single cross for the several candidates nominated by any party. As ballots for state officers are returned to one body, and those for members of the General Assembly to another, it would be necessary to provide a single cross for each set of candidates. . . . I would also recommend that a law be passed that sample ballots must be printed on a paper whose color is different from that used for official ballots. . . ." 5 Ja 05, p.9-11

- c W. Va. White. "I favor the submission of an amendment to a vote of the people amending section 2 of article 4 of the Constitution, so as to permit no voter to vote other than a secret ballot, and taking away the privilege now granted him in that section of voting an open ballot. The reason for this amendment is that one of the greatest sources of corruption in our elections is the constitutional provision permitting the voter to vote an open ballot, or to have the clerk assist him in preparing his ballot. The present laws, which are designed to enable the illiterate to vote, simply open the doors wide to almost illimitable traffic in votes and the corruption and debauching of thousands of literate voters. The Australian ballot should be made absolutely secret." 11 Ja 05, p.23

180

Compulsory voting

- a Mo. Folk. ". . . It would seem to be only just that those who do not prize this privilege enough to exercise it ought not to have it. The knowledge that failure to vote would disfranchise them and make them political eunuchs would bring home to them a realization of its supreme value. Let him who without good cause avoids this simple duty be barred by law from all the privileges that flow from citizenship, leaving to the individual the right in proper proceedings to purge his disqualification. . . ." 9 Ja 05, p.11

181

Form

- a **W. Va. White.** "The new election laws should provide for devices appearing at the head of each ballot and permitting a mark in a circle under that device to indicate the voter's preference."

11 Ja 05, p.24

183

Marking. Assistance

- a **S. D. Herreid.** ". . . The county should provide a rubber stamp for marking the ballots in order to still further eliminate the possibility of coercion or collusion by marking ballots for subsequent identification. It needs no argument to show that by the use of variously colored pencils, and slight variations in making the cross, a ballot may be identified. . ."

3 Ja 05, p.40

184

Polls

- a **Del. Hunn.** "General elections should not be permitted to be held in schoolhouses. . ."

3 Ja 05, p.11

185

Voting machines

- a **Mass. Douglas.** "In several states voting by machinery has stood the test of successful experiment, reducing the liability of error and facilitating the work of totalizing the result. . ."
- b **Mich. Bliss.** "I believe that the most satisfactory and economical system of voting demands the use of voting machines and that the Legislature will make no mistake if it will devise some plan by which the use of such machines can be made general throughout the state. . ."
- c **N. J. Murphy.** "The last two Legislatures made substantial appropriations for the purchase of voting machines, which have been equitably distributed throughout the state. These machines give, as a rule, excellent satisfaction. . ."

5 Ja 05, p.44

5 Ja 05, p.5

10 Ja 05, p.16

187

Registration

- a **Del. Hunn.** "The people generally find the registration law irksome, and plainly demand that the Constitution be amended so as to provide for a permanent registration, instead of a biennial registration of all the voters. . . At least the registration fee of \$1 should be abolished. Designed in a sweeping fashion to prevent bribery, it has fallen so far short of its intent that none do it reverence. On the contrary, political parties generally in the state, by common repute, are compelled to make political provisions for this purpose, as a constant charge upon the ordinary campaign expenses."
- b **N. Y. Higgins.** ". . . In the larger cities colonization, intimidation and false registration are the principal crimes against the franchise. . . Proper means for the detection of such crimes, however, have not been provided. . . The law now provides that upon offering his name for registry, the elector shall state the place from

3 Ja 05, p.23

CONSTITUTIONAL LAW ELECTIONS

which he voted last. I would suggest that in addition to this he should be required to state the time when he voted last. In the large cities the principal colonization frauds are perpetrated from lodging and furnished room houses. I would recommend that provision be made for reports from these houses similar to those made by hotels under the liquor tax law to the State Excise Department. This might be affected under a licensing system at a nominal fee based upon the number of beds, and might be placed under the direction of the State Department of Health which now has some authority over such places.

Further means of identification of naturalized citizens should be provided for in the registry books so as to require either an absolute statement of the time of naturalization and of the court which performed the act, or the production of the naturalization papers themselves. . . One of the principal methods of securing fraudulent naturalization papers has been for the holder of legal papers to apply for duplicate papers, and then to sell such duplicate papers to persons not entitled to possess them. The law should be amended in this direction so that duplicate naturalization papers could be procured only upon an order of the court, entered after a due presentation of the facts as to the lost certificates. . ."

4 Ja 05, p.11-12

- c Pa. Pennypacker. Revision of registration laws recommended.

3 Ja 05, p.15

- d W. Va. White. "Before 1902 the Constitution prohibited registration. The amendment ratified in 1902 requires that the Legislature shall provide for registration of all voters of the state. . . The Constitution should be so amended that the Legislature could put such a law in force where it is needed, and not be required to put it in force where it is not needed and thereby put upon the people a useless expenditure of their money . . . The Legislature of 1903 did not pass a registration law, though I called their attention to the matter, and recommended the passage of a law. . ."

11 Ja 05, p.23-24

194

Canvass. Contests

195

Count. Canvass. Returns

- a Col. Adams. "The Supreme Court having announced that until the Legislature acts the State Board of Canvassers may go behind the returns and, if so willed, may declare whom they please elected to the Legislature, and as such power carried to its ultimate would enable a set of state officers to perpetuate themselves in office, you should follow the intimation of the court and pass a law making clear, definite and limited the power of the Board of Canvassers."

10 Ja 05, p.7

196

Contests

- a Minn. Johnson. "Governor Lind in his last message to the Legislature called the attention of that body to the fact that the statutes

provided no method for reviewing the election returns for a state office. Under the present election laws, a candidate has no right to contest an election. . . I would recommend the enactment of a law which would provide a method of reviewing election returns upon state offices." 4 Ja 05, p.20

200

CRIMINAL LAW

Penal Code and Code of Criminal Procedure

202

Criminal procedure

For laws applying both to civil and criminal procedure see 695, Civil procedure

204

Apprehension

- a III. Yates. "The administration of the criminal laws of the state can be greatly aided by appropriating a fund to be used by sheriffs and state's attorneys of the various counties to aid them in the arrest and prosecution of criminals. . . ." 4 Ja 05, p.42

208 Reward

- a N. M. Otero. ". . . The Governor should be clothed with the power to offer a suitable reward for the apprehension and conviction of criminals. . . ." 16 Ja 05, p.29

210

Extradition

- a N. D. White. "The law relating to the extradition of fugitives from justice should be amended. A uniform law has been adopted by quite a number of states, prescribing the form of application and the proof necessary, both in interstate and international extraditions. Such a law should be placed upon our statutes, with a severe penalty for a failure of the applicant to prosecute upon the return of the fugitive." 4 Ja 05, p.18

212

Prosecutions

213 Grand jury

- a Fla. Broward. "On account of local conditions existing in a few of the counties of this state, it is difficult or impossible to have grand juries find indictments or to obtain convictions against offenders. I recommend that this condition receive your careful consideration, and that you provide such legislation as may be necessary to prevent such failure to enforce the law." 4 Ap 05, p.49

216

Criminal trials

- a U. S. Roosevelt. "No subject is better worthy the attention of the Congress than that portion of the report of the Attorney General dealing with the long delays and the great obstruction to justice experienced in the cases of Beavers, Green and Gaynor, and Benson. . . They are precisely similar in kind to what occurs again and again in the case of criminals who have sufficient means to enable

them to take advantage of a system of procedure which has grown up in the federal courts and which amounts in effect to making the law easy of enforcement against the man who has no money, and difficult of enforcement, even to the point of sometimes securing immunity, as regards the man who has money. . . " 6 D 04, p.27

224 Judgment. Sentence. Execution

- a Wash. Mead. ". . . I would, therefore, suggest amendments of the statute to require that judgment in criminal cases be entered immediately after the verdict of guilty is returned; that the time be limited in which the person convicted may apply for a new trial; that if his application for a new trial is overruled, the judgment of the court be immediately executed, unless notice of appeal is given; that immediately after the trial and conviction of a person charged with infraction of the criminal statute, and the denial of a motion for a new trial, the court stenographer prepare a transcript of the testimony, serve a copy upon the defendant or his attorney, and that when the testimony is authenticated by the trial judge it be filed with the clerk of the Supreme Court. I recommend, also, amendments requiring that the Supreme Court shall give preference to criminal causes in its assignment of cases pending before the court; that, if necessary, civil cases give way for the immediate hearing of criminal cases, when transcript and briefs are on file; that the time be lessened for the filing of briefs, and that no extension be permitted by stipulation or order of the Superior Court, and only granted by order of the Supreme Court."

11 Ja 05, p.21

233 Criminal jurisdiction

- a W. Va. White. Jurisdiction of state courts in criminal matters.

11 Ja 05, p.27

234 Crimes and offenses

236 Crimes against the government

252 Flags: desecration

- a Kan. Hoch. Law should be passed to prevent desecration of flag.

10 Ja 05, p.19

256 Crimes against public order and security

See also 870 Public order

260 Vagrancy

- a Mass. Douglas. "There seems to be an unreasonable provision in the law for the unemployed which deserves correction. When, without work, they loiter on the highways they may be imprisoned therefor, while if they beg for food to keep them alive they are likewise subject to punishment. Such laws seem barbarous and inhuman, and different methods of treatment are demanded."

5 Ja 05p, 4.3

262 Weapons

- a** Tenn. Frazier. "No one thing contributes more to the number of homicides which are annually committed in the state than the habit of carrying concealed weapons. . . The laws against carrying concealed weapons should be amended and made more stringent. The grade of the offense should be raised, or at least imprisonment for violating existing laws made mandatory." 5 Ja 05, p.27

264 Crimes against public morals and the family

See also 895, Cruelty to children and animals; 929, Sunday observance

268 Adultery

- a** Id. Gooding. "Discussion during the campaign disclosed the fact that adultery was not a crime under the statutes of Idaho. Such a law should be passed." 5 Ja 05, p.22

282 Polygamy

- a** Id. Gooding. ". . . I would advise . . . the passage of a law making polygamy a crime. . ." 5 Ja 05, p.22

335**Corrections**

See also 60, State institutions; 2140, Charities

- a** Ind. Hanly. Report of the prison reform commission. "A system of workhouses under state control, in which all male prisoners convicted of crime, which under existing law is made punishable by imprisonment in the county jail, shall be confined, is proposed. . . I am impressed with the belief that the suggestion contains the practical basis of a much needed reform. The second recommendation involves the abandonment of the contract labor system in the State Reformatory and the employment of the prisoners there in a school of letters, in trade schools and at labor on state account. . . The employment of prison labor on such account, that is to say, in the production of articles to be sold by the state or used by the state in its various institutions, or by the political divisions thereof, has been demonstrated to be practical and of all methods least objectionable to free labor and production and most satisfactory to all the people. . ." 9 Ja 05, p.13-14
- b** N. Y. Higgins. ". . . Penologists still maintain that our prison laws are largely anomalous and antiquated, and they urge the adoption of a system of state control for all state offenders, the extension of the parole system, the enlargement of the reformatory idea, and other changes looking toward a more consistent and scientific treatment of the subject. I recommend to the Legislature the consideration of this problem and the wisdom of adopting more modern methods when the finances of the state will permit. . ." 4 Ja 05, p.21

State prisons

- a **Ari. Brodie**, 16 Ja 05, p.22. **Col. Peabody**, 6 Ja 05, p.8-9. **Minn. Van Sant**, 4 Ja 05, p.12. **Nev. Sparks**, 16 Ja 05, p.20. **N. J. Murphy**, 10 Ja 05, p.7-9. **Okla. Ferguson**, 10 Ja 05, p.12. **Or. Chamberlain**, 11 Ja 05, p.17-18. **S. C. Heyward**, 10 Ja 05, p.24. **Tenn. Frazier**, 3 Ja 05, p.15. **Tex. Lanham**, 12 Ja 05, p.20. **U. Cutler**, 10 Ja 05, p.20. **Vt. McCullough**, 6 O 04, p.13. **W. Va. White**, 11 Ja 05, p.41. **Wy. Brooks**, 11 Ja 05, p.17.
- b **Ari. Brodie**. " . . . I am sincerely of the belief that it would be a wise policy at this time to establish a branch prison at some convenient point where irrigable land can be procured in the immediate vicinity of a stone quarry, where the work of a number of prisoners could be utilized in the construction of permanent buildings and where they would be at all times employed at suitable work. . ." 16 Ja 05, p.22
- c **Ark. Davis**. " . . . If I were on a jury in Arkansas, I would hesitate long and the proof would have to be plain and abundant for me to convict a white man and send him to the State Penitentiary for any of the smaller infractions of the criminal law. . . I desire to present to the presiding officer of this body a lash such as is used daily upon the backs of these unfortunate criminals, and express the hope that the lash of public sentiment may be laid as strongly and surely upon political backs of those who refuse to pity and ameliorate the condition of these poor unfortunates." 11 Ja 05, p.37-39
- d **Cal. Pardee**. "At the last session of the Legislature there were submitted several committee reports upon the condition of the two State Prisons, and in one of these, which was made by a select committee of the Assembly, the following language was employed. 'The two prisons are schools of vice and universities of crime. . . Boys and young men, guilty of one offense against the laws, but not yet hardened in crime, are sent to these prisons not to be reclaimed, but to be systematically seduced and debased by utterly degraded convicts. . .' The main defects of our prison system—which may be summed up as lack of classification and segregation of the convicts, lack of cell and yard accommodations, and lack of intelligent adaptation of means to ends in reformatory treatment—have been not only recognized but quite well understood for a long time. . . The present session of the Legislature ought not to close without a substantial beginning having been made in the necessary work of prison reform. . ." 2 Ja 05, p.31-34
- e **Id. Gooding**. Improvements in penitentiary needed. 5 Ja 05, p.9
- f **Mass. Douglas**. Special message in regard to crowded condition of prison at Charlestown. 17 Ap 05, 4p.
- g **Minn. Van Sant**. " . . . It would seem the part of wisdom . . . to select a site for a new prison with ample grounds, as near as practicable to the old prison, upon which new buildings may be erected only as fast as required to relieve the overcrowded condition of the old prison. . ." 4 Ja 05, p.15

- h N. D. White. "Every cell at the penitentiary is occupied and additional room will be needed there. . ." 4 Ja 05, p.14

342 Employees

- a S. D. Elrod. Employment of chaplain recommended.

3 Ja 05, p.6

343

Reform schools and reformatories

345 Institutions for women and girls

- a N. J. Murphy, 10 Ja 05, p.10-11. N. Y. Higgins, 4 Ja 05, p.10. W. Va. White, 11 Ja 05, p.41.

- b Cal. Pardee. ". . . In relation to the redemption of wayward girls . . . I am not sure that a public institution can bring to bear upon the subject in hand all those personal influences which make for the salvation of those under its charge. It may be that a better way would be to commit such young women to benevolent institutions provided for that purpose, choice to be made in the discretion of the court, the expense to be borne by state and county as now, such institutions to be subjected to state and judicial inspection. The expense to the taxpayers would be one half less per capita than at present, and the results are not unlikely to be more fortunate."

2 Ja 05, p.36

- c Ind. Durbin. Separation of Girls Industrial School from Woman's Prison.

6 Ja 05, p.24-25

- d Mich. Bliss. "I hope that provision will be made for a state prison for women convicts. . . A state prison for women convicts would give greatly needed relief to the Industrial Home for Girls in providing a place where incorrigible girls could be subjected to reformatory methods and not be in a position to contaminate others of less evil tendencies."

5 Ja 05, p.13

- e Minn. Van Sant. Removal of girls from the Red Wing Training School, and the establishment of a new institution for them to be known as the . . . State Industrial School for Girls . . . recommended.

4 Ja 05, p.10

- f Neb. Mickey. ". . . As there is a similarity in the work accomplished by . . . [the Home of the Friendless and the Industrial Home] it seems to me that their duties might be combined, and all of the inmates of both be cared for at whichever one of the plants is best suited to the dual load. . ."

5 Ja 05, p.27

346 Reform schools

- a Col. Peabody, 6 Ja 05, p.10. Id. Gooding, Idaho Industrial Reform School at St Anthony, 5 Ja 05, p.10. Kan. Hoch, 10 Ja 05, p.17. N. H. McLane, 5 Ja 05, p.8-10. N. J. Murphy, 10 Ja 05, p.10. N. Y. Higgins, 4 Ja 05, p.10. U. Cutler, 10 Ja 05, p.18. Vt. McCullough, 6 O 04, p.11-12. W. Va. White, 11 Ja 05, p.41. Wy. Brooks, 11 Ja 05, p.20.

- b Ari. Brodie. ". . . I have recommended that the care and control of this institution be transferred to the Board of Control, and the office of Board of Trustees abolished. . . I recommend that

the appointment of superintendent of the Territorial Industrial School be vested in the Governor, and that the superintendent of the Territorial Prison and the superintendent of the Territorial Industrial School be required by enactment to furnish bonds in the sums of \$10,000 and \$5000 respectively." 16 Ja 05, p.24

- c **Ark. Davis.** "In each message that I have delivered . . . I have laid special stress upon the necessity for a reform school. . . . It has been my policy, in order to bring about a public discussion of this subject and force a public knowledge of the necessity for this institution, to pardon all white boys under the age of 18 confined in the penitentiary, regardless of the crime they had committed. . . . Let these unfortunate white boys and negroes as well, and the fallen white women, be committed to this reformatory, to be managed by this board of three citizens selected by the Governor, they to . . . be empowered to buy necessary tools and machinery and equipments of every kind for the purpose of starting, in a small way and on a cheap basis, a reformatory of this description, where white boys may be taught some useful occupation and the negro boys be compelled to work and support the institution while it is being done. This would prove a blessing, not only to the white boy, but to the negro boy as well. . . ." 11 Ja 05, p.8-10
- d **Cal. Pardee.** ". . . The schools at both Ione and Whittier are inadequately supplied with teachers and apparatus, and it is my judgment that both of these schools should be made essentially agricultural in theory and practice. . . ." 2 Ja 05, p.35-36
- e **Fla. Broward.** ". . . Legislation should be enacted providing for the maintaining of a state reform school. . . . I also recommend that under such proper restrictions as may be necessary, the commitment of juveniles, other than offenders, be permitted. . . ." 4 Ap 05, p.30-31
- f **Kan. Hoch.** "The last Legislature authorized the expenditure, under the auspices of the Woman's Social Science Federation, of \$1200 in the purchase of books and pictures for the Girls Industrial School, at Beloit. It was a wise expenditure, and I now recommend the appropriation of a similar sum for the Boys Industrial School at Topeka." 10 Ja 05, p.10
- g **Minn. Johnson.** Separation of the sexes at State Training School recommended. 4 Ja 05, p.17
- h **S. C. Heyward.** ". . . I have noticed with much gratification a movement by the South Carolina Federation of Women's Clubs for the establishment of an Industrial School and Reformatory for. . . white boys. . . ." 10 Ja 05, p.24
- i **Tenn. Frazier.** ". . . The state should provide a reformatory school to which children under the age of 15 years who commit felonies should be sent by the courts who try and convict them. . . ." 3 Ja 05, p.18

347 Reformatories

- a Col. Peabody, 6 Ja 05, p.9. Ind. Durbin, Reorganization of the Indiana Reformatory, 6 Ja 05, p.21-24. Vt. McCullough, House of Correction, 6 O 04, p.12. Wis. La Follette, 12 Ja 05, p.89.
- b Ct. Roberts. Report of commission on erection of a reformatory: in view of the effect of the law now in force relating to indeterminate sentences the Governor questions the advisability of erecting a reformatory. 4 Ja 05, p.12-13
- c Mich. Bliss. "Attention is again called to the necessity and advisability of absolutely setting the Michigan Reformatory apart as a place for the detention of first offenders only, and as has been pointed out this can be done by substituting "shall" for "may" in the law. The minimum age for offenders liable to be sentenced to this institution should be decreased." 5 Ja 05, p.13
- d Mo. Folk. Establishment of reformatory for first offenders recommended. 9 Ja 05, p.14
- e N. J. Murphy. "The institution at Rahway . . . is overcrowded. . . Need for immediate enlargement is urgent. . ." 10 Ja 05, p.9
- f N. C. Glenn. ". . . A committee . . . should be appointed . . . to . . . report . . . whether at this time the maintaining of . . . a reformatory can be safely undertaken by the state." 11 Ja 05, p.14

352 Discipline. Instruction. Care of sick

- a Mass. Douglas. Isolated prison should be provided for consumptives. 5 Ja 05, p.41-42
- b Or. Chamberlain. ". . . The chaplain of the prison ought to be paid a salary commensurate with the service rendered by him, required to devote all his time to the welfare of the prisoners and to maintain a school in the prison chapel or some convenient room within the walls for the benefit of the youths and the illiterate class at such hours as these prisoners can be spared to him without impairment of the discipline of the institution. . . ." 11 Ja 05, p.23

353 Commitment. Transportation. Transfer

- a Mon. Toole. Taxation of costs of transporting prisoners to the penitentiary to the several counties from whence they come instead of the state recommended. 2 Ja 05, p.4
- b N. Y. Higgins. "I . . . recommend that some provision be made for the transfer from penal institutions of imbeciles and idiots committed thereto, to other state institutions where they may receive proper treatment." 4 Ja 05, p.21

354 Convict labor

- a Ill. Yates, 4 Ja 05, p.42-45. Tex. Lanham, 12 Ja 05, p.20-21.
- b Col. Peabody. ". . . Some provision must be speedily made whereby the unfortunate convicts . . . shall be given employ-

ment. . . Under the present laws the convicts are prohibited from engaging in any manual labor which can possibly come into conflict with free labor, and for several years no brick or cut stone for uses outside of the institution itself have been manufactured by the convicts. The roads and streets in the locality in which the penitentiary is situated would afford ample opportunity for the employment of large numbers of convicts, that would prove equally beneficial to the institution and the public at large. . ."

6 Ja 05, p.9

- c Del. Hunn. "Whether a state workhouse, or one for each county should be provided for by the General Assembly, is a question upon which there is a considerable variety of opinion, but there is great unanimity, however, as to the fact that convicts should be made to labor in some fashion. . ."

3 Ja 05, p.21

- d Id. Gooding. Employment for convicts should be provided.

5 Ja 05, p. 9-10

- e Kan. Hoch. "From the report of the warden of the penitentiary you will learn that that institution is self-sustaining. . ."

10 Ja 05, p.15

- f S. D. Herreid. "The enforced idleness of prisoners is both cruel and demoralizing. . . I earnestly recommend such legislation as will in the near future, provide profitable employment for the prisoners of the State Penitentiary."

3 Ja 05, p.40-41

- g Tenn. Frazier. "Our system provides for working the convicts in the state's coal mines at Petros, on the farm adjacent to the main prison near Nashville, and in certain lines of manufacturing inside the prison walls. . . their earnings for the past two years have not only been sufficient to maintain them without cost to the taxpayers, but, in addition thereto, the net profits have been nearly or quite sufficient to reimburse to the state the entire cost of criminal prosecutions. . ."

3 Ja 05, p.11

355

State account system

- a Cal. Pardee. ". . . Folsom Prison has no productive industry except the crushing and sale of macadam rock, which has returned a profit of only a few thousand dollars a year, and even this business is now threatened by the exhaustion of the quarry. . . At San Quentin the jute mill gives employment to about 800 of the 1500 prisoners, and runs at a profit, ordinarily, of \$40,000 or \$50,000 a year.

It seems probable that the best solution of the prison labor problem will be found in the New York system of manufacturing necessary articles for state institutions, whereby employment can be diversified, and at the same time direct competition with free labor be avoided."

2 Ja 05, p.34-35

356

Contract and lease system

- a Fla. Broward, 4 Ap 05, p.31-36.

- b Ind. Durbin. ". . . Two years ago I called into conference a number of gentlemen, representing both manufacturers and wage earners, and after much discussion and consideration, no satisfactory

substitute for the contract system as controlled and supervised in Indiana could be determined upon, and personally I doubt if one can be devised. . . ."

6 Ja 05, p.27

- c Or. Chamberlain. ". . . I suggest the appointment of a committee to inquire and report as to the propriety of renewing the present contract, and if renewal is deemed advisable, what changes, if any, should be made in the terms thereof. . . ."

11 Ja 05, p.19

- d Vt. McCullough. "The present contract for the labor of prisoners in the State Prison will terminate by its own limitation May 1, 1906. Under this contract the state is paid seventy five (75) cents a day for each able-bodied man."

6 O 04, p.13-14

- e Wis. La Follette. ". . . During the biennial term the old contract for the employment of prisoners expired and a new contract was made by which the earning power of each prisoner has been increased 15 cents per day. . . . Objections are urged by labor unions, to the employment of prison or other state labor upon contract where the products of such labor go into open market in competition with labor generally. . . . It would seem that the amount of the product so placed upon the market . . . can not appreciably affect the scale of wages in any outside employment. . . ."

12 Ja 05, p.88

357

County and municipal convicts

- a Ct. Roberts. ". . . The reports of the county commissioners, for the year ending June 30, 1904, show that the state paid \$109,971, while the receipts from the prisoners' earnings amounted to but \$16,874, or about 15% of the state's contribution. . . . I suppose at least 90% of the persons sent to jail are physically capable of earning their support. They should be furnished with something to do and then made to do it. . . ."

4 Ja 05, p.26-27

- b Fla. Broward. "An investigation will show that at least 75% of the complaints in regard to the treatment of convicts has come from camps where the county convicts are worked or leased. Some measure should be provided which shall remedy this evil, and provisions for the inspection and proper care of all county convicts and convict camps should be made mandatory upon the county authorities. . . ."

4 Ap 05, p.36

- c Ga. Terrell. ". . . If all misdemeanor convicts are not to be worked upon the public roads, or other public works, as the law directs, then those who are not so employed should be put under control of the commission, which body should be authorized to sell their labor as that of felony convicts is sold, the proceeds to go to the counties in which they are convicted, to be applied as now provided by law. Such legislation would not only tend to improve the condition of the convicts, but would remove all grounds of criticism that chain gangs under control of private individuals, with only nominal county supervision, are in violation of state or federal laws."

28 Je 05, p.19-20

CRIMINAL LAW CORRECTIONS

358

Roads

- a Del. Hunn. Use of convict labor on roads and streets recommended. 3 Ja 05, p 21-22
- b Or. Chamberlain. ". . . Before becoming intimately acquainted with the kind and character of men confined in the penitentiary in this state I inclined to the opinion that all or nearly all of the convicts might be utilized upon the public highways, and under certain conditions, limitations and restrictions this might be feasible. . . With us, it is safe to say, that a small percentage of those confined in the penitentiary could be intrusted outside the walls without a strong force of well armed guards and steel portable cells in which to confine them when not at work. . . I have thought it would be wise to appropriate a sum of money as was done two years ago for the improvement of some of the roads in the neighborhood of the State Capitol, utilizing as far as possible convict labor in conjunction with such facilities as the county authorities would furnish. . . In addition to this, a law might be passed providing for utilizing some of the convicts upon the public roads on the requisition of any county desiring them, the cost of maintenance to be paid by such county. . ."

11 Ja 05, p.20-21

359

Disposition of goods

- a Ill. Yates. "The consensus of the opinion of a legislative committee appointed from the Board of Prison Industries by that board, is, that it is wise that an amendment should be made to the present law providing that after all articles which can practically be manufactured, have been furnished to the state and its subdivisions, that then the surplus product then remaining over shall be sold in the open market, under such regulations and restrictions as may be deemed advisable. . . I would be reluctant to recommend this change in the law. . ."
- 4 Ja 05, p.44
- b Ill. Yates. "A strict enforcement of the letter of the law would require every official of the state, except those whose printing is furnished by the Commissioners of State Contracts, to secure all books, blanks, and other printing from the Board of Prison Industries. . . To enforce this law as it now stands, would not only bring great financial loss upon the owners of these printing offices, but it would force out of employment, or drive to other places, the skilled mechanics now employed. . ."
- 4 Ja 05, p.45
- c Kan. Hoch. ". . . I wish to indorse the recommendation of the Board of Directors that each state institution shall pay cash for what it receives from each other state institution, 'as it would,' to quote their language, 'more clearly show the correct receipts and expenditures of each one.' . . ."
- 10 Ja 05, p.15

360

Special industries

- a Ill. Yates. "The officials of the Southern Penitentiary, after investigation of the subject, will, in the near future, if the present

law can be amended as to permit it, instal a binder twine plant. . ."

4 Ja 05, p.44

- b **Kan. Hoch.** ". . . The [state twine] plant has already paid for itself and has money left to its credit, but this is not the most important fact concerning it. It has materially affected the price of twine, to the advantage of the farmer, in every local market of the state."

10 Ja 05, p.16

- c **Mass. Douglas.** "Many of the short-term men in the county houses of correction might be employed in reclaiming waste and unimproved lands, a labor which will never be invested from any other source. This experiment is now on trial by the state at Rutland, and has been successfully tried at the State Farm at Bridgewater. . ."

5 Ja 05, p.42-43

- d **Minn. Van Sant.** ". . . Conservatively estimated the twine plant has profited the state to the extent of over one and one half millions of dollars. . ."

4 Ja 05, p.13

- e **Minn. Johnson.** "For a number of years the state has maintained a plant at the State Prison for the manufacture of binding twine. . . It is a profitable source of employment for our convict labor, and in addition thereto, is of great benefit to the farmers of the state by giving to them cheaper binding twine. . . It might be a source of economy to engage a portion of this labor in the manufacture of shoes and clothing for the inmates of our other public institutions, but aside from this, I believe it would be wise, economical and profitable, to extend the twine plant to such an extent as to provide employment for the remainder. . ."

4 Ja 05, p.11-12

- f **S. D. Elrod.** "At the earliest date possible, a twine plant should be established at the penitentiary, for three reasons. First, it would give useful employment to the prisoners; second, it would reduce the cost of twine to our farmers; and third, with careful management, it will put money into the state treasury instead of taking it out. . ."

3 Ja 05, p.5

- g **Tenn. Frazier.** "The last General Assembly authorized the Prison Commissioners, by and with the consent of the Governor, to purchase 15,000 acres of coal lands for the state. . . The number of acres authorized to be purchased should be increased to 25,000. The present policy of working the state's prisoners in coal mines has proven profitable and satisfactory from every standpoint. . ."

3 Ja 05, p.16

- h **Tex. Lanham.** "As provided by chapter 34, acts of the 28th Legislature, the sum of \$150,000 was appropriated for the rehabilitation, enlargement and thorough testing of the iron industry, for many years conducted in connection with the Rusk Penitentiary, and to erect and equip a modern furnace and necessary appliances for the manufacture of pig iron and kindred products. . . The output of iron and pipe is satisfactory both as to quality and quantity and the demand therefor sufficient to give every assurance that the plant will soon become more than self-sustaining and be able to

largely reimburse the state for the heavy expenditures incident to its reestablishment and more thorough equipment. . ."

12 Ja 05, p.21

361

Criminal insane

- a Or. Chamberlain. There are now confined in the insane asylum about 15 insane convicts. . . Sufficient money should be appropriated to fit up, with regulation cells to guard against escape and to secure isolation, a portion of one of the wings and enclosures of the asylum." 11 Ja 05, p.22
- b Tenn. Frazier. ". . . Some provision should be made by proper legislation by which the Governor, upon proper and satisfactory evidence of insanity, could have such insane prisoners transferred to an asylum for the insane where they could be properly treated, and if restored, returned to the State Prison." 3 Ja 05, p.19
- c W. Va. White. ". . . I . . . recommend that at one of the two hospitals for the insane a small ward or building should be set apart and properly equipped for the confinement and care of the criminal insane. . ." 11 Ja 05, p.45
- d Wis. La Follette. "There is no provision for the confinement of the criminal insane. . . Some provision should be made for their separate maintenance." 12 Ja 05, p.89-90

363

System of sentencing and reform

367 Discharge

- a Tenn. Frazier. "As each prisoner is released he should be given a small sum of money sufficient to keep him from actual hunger and want for a few days, till he could find friends or employment. . ."

3 Ja 05, p.17-18

370 Indeterminate sentence

- a Mich. Bliss. "The indeterminate sentence act, while most of its ambiguous statements have been made plain by decisions of the Supreme Court, should be amended to accord with the principle on which the law is founded, in that the sentence in all cases except those which the court may impose for life or any number of years, shall be a general sentence and dependent alone on the terms stated in the statute under which the proceeding is brought. To make this more effective, and for the securing of greater safeguards, there ought to be a redetermination of the minimum and maximum of sentence in many of the laws constituting the criminal enactment."

5 Ja 05, p.13

- b Or. Chamberlain. ". . . Every sentence of a person to the penitentiary, except of one sentenced to life, should be indeterminate. . . But a prisoner convicted more than once of a felony should be ineligible for either an indeterminate sentence or a parole. . ."
- c S. D. Elrod. "We recommend that you provide for the indeterminate sentence of convicts. . ."

11 Ja 05, p.37

3 Ja 05, p.5

- d W. Va. White. ". . . The indeterminate sentence law has not been taken advantage of as yet by the judges of our courts as much as it should be. The suggestion that the judges should be required to visit this institution at least once a year, and their expenses in so doing to be provided for, is a wise one, as the new laws require the judges to assist the state officers in passing upon questions involving the parole of prisoners, and they should become acquainted with the workings of the institution and the value of the indeterminate sentence in the work of reformation." 11 Ja 05, p.43

371 Juvenile offenders

See also 346, Reform schools; 374, Probation; 2172, Children

- a Ill. Yates, 4 Ja 05, p.39.

371(3 Juvenile courts. Juvenile probation

- a Id. Gooding. Establishment of juvenile courts recommended.

5 Ja 05, p.10-11

- b Kan. Hoch. System of juvenile courts recommended.

10 Ja 05, p.8

- c Or. Chamberlain. "In at least 13 states, laws have been enacted having for their object the care, control and protection of dependent, neglected and delinquent children. . . Colorado has gone farther than any other state in carrying out the principle of the probation system. . . I suggest it as a model from which to frame a law suitable to conditions that exist here. . ."

11 Ja 05, p.36

- d U. S. Roosevelt. "In the vital matter of taking care of children, much advantage could be gained by a careful study of what has been accomplished in such states as Illinois and Colorado by the juvenile courts. . . By profiting by the experiences of the different states and cities in these matters, it would be easy to provide a good code for the District of Columbia."

6 D 04, p.11-12

- e Wash. Mead. ". . . I am of the opinion that the creation of [juvenile] courts in cities of the first class in the state would be beneficial. . ."

11 Ja 05, p.24

372 Parole

- a Mich. Bliss. "That excellent results have been secured under the parole law, whereby the convict is released with a friend to look after his welfare, is borne out by the statement that less than one in 10 have been returned for violation of the parole rules."

5 Ja 05, p.13

- b N. C. Glenn. "The Constitution of North Carolina recognizes conditional pardon, but to this day no legislation has been adopted to give it effect. It seems to me to abound in wisdom, and should commend itself to the thoughtful consideration of the Legislature."

11 Ja 05, p.16

- c Or. Chamberlain. ". . . The Governor should be permitted, on the recommendation of the Superintendent and Warden of the prison, to parole a prisoner for good conduct, and when in their opinion reformation appears to be complete. . ."

11 Ja 05, p.37

- d **Tenn. Frazier.** "Some system of paroles should be provided. . ."

3 Ja 05, p.17

373 Pardons

- a **Ill. Yates,** 4 Ja 05, p.41-42. **N. C. Glenn,** 11 Ja 05, p.16. **S. D. Elrod,** 3 Ja 05, p.6. **Tex. Lanham,** 12 Ja 05, p.21-22. **U. Cutler,** 10 Ja 05, p.21. **W. Va. White,** 11 Ja 05, p.43-44.

- b **Cal. Pardee.** ". . . I have assumed that a conditional commutation, which will be a restraint upon future conduct, is better than a commutation which is unconditional, and, with this in mind, I have inserted in such documents a provision that if the person be subsequently convicted of felony, he must serve out the unexpired portion of his former term of imprisonment, as well as his new one."

2 Ja 05, p.38

- c **Col. Peabody.** ". . . Because the Pardon Board is merely advisory, however, it would appear that it is not a necessity, and I renew my recommendation of two years since, that it should be abolished. The work necessary for compiling data and summarizing cases requiring executive consideration should devolve upon the secretary of the Board of Charities and Correction, for which additional service reasonable compensation should be provided."

6 Ja 05, p.11

374 Probation

See also 371, Juvenile offenders

- a **Mass. Douglas.** ". . . Punishment by imprisonment brands the offender with indelible disgrace and discourages him from redeeming his reputation. . . It seems to me that first offenses and offenses committed by women or the young should, by an established system, be treated as objects of diligent investigation and of indulgent treatment, to the end that the offenders may be rescued from the hopeless lot of criminals. . . I believe that unfortunates, the hungry, the unemployed and the intoxicated should not be taken to a cell when a door of charity is open to them and improvements may be hoped for without punishment. . . There should be diligent inquiry whether or not there are inducements to officers of the law in the fee system of our commonwealth to bring persons to the courts who might be taken to their homes or to charitable hands, without injury to the community. . . I would suggest also an inherent evil in the requirement of the law that those guilty of minor offenses should stand committed when unable to pay a fine. . . It seems possible to devise a system by which such minor offenders may be allowed a period of probation in which they may earn the amount of the fine and thus be spared imprisonment."

5 Ja 05, p.32-34

- b **Mich. Bliss.** ". . . In case of the probationer, where in the judgment of the court he has demonstrated that he will lead a good life, provision should be made to terminate the probation by discharge."

5 Ja 05, p.13

374(5) Whipping. Dillory

- a **Or. Chamberlain.** ". . . Criminal statutes will not reach the brute who strikes and beats a defenseless woman, the mother of his

children. . . For such inhuman creatures the public whipping post has been proven to be the most effective punishment, and I recommend such a law for your consideration." 11 Ja 05, p.39

- b U. S. Roosevelt. "There are certain offenders, whose criminality takes the shape of brutality and cruelty towards the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment; for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime." 6 D 04, p.13

375

CIVIL LAW

Civil Code and Code of Civil Procedure

377

Property

379

Real property

392

Conveyance*See also* 835, Tax on deeds

396

Record

- a Wis. La Follette. "A simplification of our system of transferring land titles would seem to be desirable. . . The states of Illinois, Massachusetts, California, Minnesota, Washington, and Colorado and many European countries have adopted the Torrens system of land registration, which seems to afford a simple, speedy and safe method of transfers. . . The subject is very important, and action should be taken only after careful investigation of the matter and any legislation changing our present system should be framed with the greatest care." 12 Ja 05, p.94-95

405

Liens and mortgages

- a Del. Hunn. Message to special session of Legislature called to consider amendment to an act limiting judgment liens on real estate in Kent and Sussex counties. 29 D 04

426

Administration of estates*See also* 836, Inheritance tax; 1608, Trust companies

- a Wash. Mead. ". . . I recommend a revision of the entire procedure so that the law governing the administration of estates will reduce the expense of settlement of the estate, and lessen the time for the distribution of the property to the beneficiaries. Superior judges, sitting in probate cases, should have jurisdiction to settle and adjudicate all matters connected in any way with the estate." 11 Ja 05, p.25

453

Contracts and Other Obligations

See also 787, Contracts and supplies (public); 835, Tax on deeds and contracts

459

Sale of merchandise

- a W. Va. White. ". . . I call the attention of the Legislature to the advisability of passing laws regulating the sale of stocks of goods in bulk. . . ." 11 Ja 05, p.77

463

Interest. Usury

- a S. D. Elrod. "The time has come when the rate of interest by contract should be lowered from 12%. It is a shame that any citizen can be required to pay such a rate. It is not fair to the borrower, neither is it consistent with sound banking principles."

3 Ja 05, p.4

467

Suretyship

- a N. M. Otero. "The present law providing for banks to give bond to the territory for public moneys received by them. . . should be changed so as to require all such bonds to be executed by a fidelity or a surety company. . . and I earnestly recommend that you enact a law to this effect, and also providing that all official bonds now required by law be executed in the same manner, and that no personal sureties be received. For many years the territory has been put to great delay and expense in bringing suits upon such bonds, which are invariably contested with great bitterness and result very unsatisfactorily, and I believe that the records will show that not 10% of the amounts for which suit was brought have been recovered by the territory. . . ." 16 Ja 05, p.7

468

Torts

See also index under Damages to property

471

Personal injury

See also 1315, Railroads; 2125, Employers liability

- a Mo. Folk. "A remedy should be provided for the negligent deaths of adult unmarried persons by giving the father or mother the right to sue. Under the present law there is no remedy in such instances. Strange to say, if a railroad, for instance, injures one over 21 years of age unmarried the damages are unlimited, but if, instead of injuring, the railroad kills, no damages can be recovered at all. . . It often happens that an adult, while having no wife or husband, may have a dependent mother or father, and they, at least, should have a right of action in such instances. . . ." 9 Ja 05, p.15

472

Libel. Slander

- a N. M. Otero. "There has been some demand, even on part of the press, for a statute defining libel and providing for its punishment."

If such a statute is passed, care should be taken that its interpretation does not stifle honest criticism by the press, of public officials and public affairs. The liberty of the press must in no way be circumscribed, and in case a publication is honestly misled into a libelous utterance, a retraction should be considered sufficient atonement in addition to the payment of such actual damages as may have resulted, or are provided for by the common law. . . ." 16 Ja 05, p.28-29

- b Pa. Pennypacker. "At the last session of the General Assembly, an act was passed requiring newspapers to exercise reasonable care with respect to what they published, and further requiring them to print upon the editorial page the names of those responsible for the publication. . . the act has resulted in a marked improvement in the amenities of journalism in so far as they concern persons in private life. . . Further legislation is required for the protection of the commonwealth from the injury to her reputation and the disadvantage to the administration of her affairs which arise from the prevalent dissemination of scandalous inventions concerning her officials and their efforts in her behalf. . . Notwithstanding our constitutional provision concerning freedom of speech, in the case of Commonwealth vs Mohn, 2 P. F. Smith, p. 243, it was held that the law of common scolds is retained in Pennsylvania, though the punishment is by fine and imprisonment. To punish an old woman, whose scandalous outcries are confined to the precincts of one alley, and to overlook the ululations which are daily dinned into the ears of an unwilling but helpless public by such journals, as have been described, is unjust to both her and them. I suggest the application of this legal principle to the habitual publication of scandalous untruths. Let the persons harmed or annoyed present a petition to the Attorney General setting forth the facts and if, in his judgment, they show a case of habitual falsehood, defamation and scandal so as to constitute a public nuisance, let him file a bill in the Court of Common Pleas having jurisdiction, asking for an abatement of the nuisance, and let the court have authority, upon sufficient proof, to make such abatement by suppression of the journal so offending, in whole or in part, as may be necessary. Since this adaptation of existing law is only to be applied to the elimination of habitual falsehood in public expression, it will probably meet with no objection from reputable newspapers. Since both the Attorney General and the courts would have to concur, the rights of legitimate journalism are sufficiently protected and it is only in an extreme case that the law could be invoked. . . ." 3 Ja 05, p.15-18

Family

Marriage

See also 264, Crimes against public morals and the family

- a Ind. Durbin. "There is a point beyond which the prevention of either marriage or of its dissolution is promotive of immorality rather

CIVIL LAW FAMILY

than of healthful domestic conditions. The state should exercise the right, however, of preventing the contracting of marriage between persons manifestly unfit to assume its obligations, and particularly such marriage as insures the propagation of defectives who are certain to become a charge upon the state. The issuing of marriage licenses should be surrounded with greater safeguards, particularly the safeguard of publicity. The wisdom of requiring due notice by publication of an intention to assume the obligations of marriage has been suggested, and I commend the same to your consideration. We may reasonably consider the advisability of requiring on the part of those applying for license to marry, medical evidence that the contraction of marriage will not threaten society by the perpetuation of mental or physical deficiency. . . ."

6 Ja 05, p.9

480

Divorce

- a Ind. Durbin. "It is evident . . . that divorce is a symptom of the disease which legislation should be framed to reach, if possible, and not the disease itself. We may well doubt whether society is served by compelling persons to live in wedlock and to rear families under the conditions which are usually brought to light in an action for divorce. . . . I suggest, however, the advisability of a law prohibiting the remarriage of divorced persons for a reasonable period after the entering of the decree, and the substitution of separate maintenance for divorce in many cases for which the law now provides divorce."

6 Ja 05, p.8

- b N. C. Glenn. "Most earnestly do I join with the retiring Governor in recommending to you the repeal of all divorce laws enacted since the adoption of the code of 1883. Divorces are now too easily obtained, and are often granted to the offending or guilty party. . . ."

11 Ja 05, p.13

489 Trials. Procedure

- a Wash. Mead, "Our courts are often subjected to criticism, but in many instances unjustly, on account of the large number of decrees granted in divorce cases. . . . A statute, continued from territorial days, requires the presence of the county attorney to resist default divorce cases. . . . He should have an opportunity of conducting an intelligent defense by summoning witnesses to testify to the facts in the case. To bring this about, the applicant should be required to deposit such an amount as the court may direct for the payment of witness fees. The law should be further amended so as to permit the court to enter an order requiring the attendance of the plaintiff and the defendant at the trial. . . . The law defining . . . admission of testimony of the husband or the wife should be so modified as to permit successful criminal prosecution . . . in the event that . . . the court or the prosecuting attorney is satisfied that one or the other of the parties has been guilty of a misdemeanor or felony. With these amendments

and an additional one, requiring the court to enter a *decree nisi* at the time of the trial and a complete decree of divorce to follow at the expiration of a period of not less than six months. . . I am of the opinion that fewer decrees of divorce will be granted in our state. . ."

11 Ja 05, p.21-23

496

Support of family

See also 2203, Support (insane)

- a Ari. Brodie. "I desire to call your attention to the growing evil of wife and family desertion, and to recommend that provision be made for the punishment of persons charged with such crime. Our statutes at present provide only for the punishment of parents deserting their children." 16 Ja 05, p.14
- b Or. Chamberlain. "Desertion of wife and family should be made a crime for which the deserter may be extradited from the state in which he seeks an asylum. . . ." 11 Ja 05, p.39
- c Wash. Mead. "Fewer applicants for divorce decrees would appear in our courts if this body enacted a law making it a felony or misdemeanor for a parent to desert his child, or for a husband to voluntarily desert and abandon his wife, unless some reasonable ground exists therefor. . . ." 11 Ja 05, p.23

500

Corporations

See also 841, Corporation taxes; 1200, Transportation; 1679, Banking; 1732, Insurance; 2627, Municipal utilities

- a N. J. Murphy. ". . . the corporation law of New Jersey is upon the whole believed to be so wise, its various sections have been so fully passed upon by the courts, and it so generally meets with the favor of those who have occasion for its use, that there is little cause for doubt that the law of this state will in the future, as in the past, be regarded as the most desirable for those who wish to do business upon a large scale. It may be said in commercial phrase that this part of the business of the state is being competed for by other states, who have largely copied our laws, and who are making an effort to obtain the business that comes to us. This competition has not been serious, nor in my opinion will it be as long as the corporation law of New Jersey remains, as now, a safeguard to all those interests it is intended to protect." 10 Ja 05, p.4
- b N. J. Stokes. "The incorporations in one state for 10 months of last year show a capital of \$111,255,500; in another of \$251,971,620; in another \$285,553,700; in New Jersey \$313,569,620. Our state is, therefore, by no means attracting all of the great moneyed interests seeking articles of incorporation. In addition to this, the recommendations of the Department of Commerce and Labor are the preliminary steps toward national incorporation, when capital will seek the protection of federal law rather than deal with 45 different states. All these influences threaten the revenue of New Jersey. . ."

New Jersey does not compete in any race for revenue between states where the inducement to incorporate is laxity of law.

The day of gigantic business companies seems to be on the wane. Companies with smaller capital are on the increase. Should not, therefore, changes be made in our laws to meet the requirements of these smaller organizations? . . . Our legislation must not be allowed to lag behind the times. . . . I recommend the appointment of a commission to this end. . . . 17 Ja 05, p.6-8

- c Pa. Pennypacker. Commission should be appointed to revise corporation laws. 3 Ja 05, p.10

- d Pa. Pennypacker. "The principle upon which the grant of franchises to corporations is supported is that there are business operations important to the community which are beyond the financial strength of the individual, and that by the union of the resources of many persons, may be accomplished and thus the public be benefited We have been gradually losing sight of the public good involved in the arrangement and reducing the number of incorporators until now any three persons may secure incorporation for profit. In other words, a man wishing to start any business venture by giving a share of stock to his clerk and another to his messenger may escape individual liability for the indebtedness incurred. But one step remains and that is the reductio ad absurdum of making a single person a corporation for profit. . . . There ought to be a reasonable time limit in every charter, say 100 years, at the expiration of which the grant terminates so that some control may be maintained and the future not burdened with consequences which can not be foreseen. . . ." 3 Ja 05, p.10-11

- e S. D. Herreid. "No mistake was made by the last Legislature in enacting laws in accordance with the recommendations of the Secretary of State regulating the organization, formation and privileges of corporations. . . . Prior to the enactment of these laws it was notoriously true that many 'wildcat' companies were organized and came to South Dakota to gain a legal existence because of the 'cheap rate.' Under the new schedule of corporation fees less than one half the number of companies were organized and still the fees were in excess of the year before. . . ." 3 Ja 05, p.24

- f U. S. Roosevelt. ". . . It is an absurdity to expect to eliminate the abuses in great corporations by state action. . . . The national government alone can deal adequately with these great corporations. . . ." 6 D 04, p.6

- g W. Va. White. ". . . The changes in the corporation laws of Ohio, Delaware, Maine, New York and Massachusetts and the liberal laws of New Jersey, and yet more liberal ones of Arizona and South Dakota, have materially affected the chartering of nonresident corporations by this state and care is needed to hold those that we have and to get even a decreasing number of new ones. . . ." 11 Ja 05, p.8

- h W. Va. White. "I heartily indorse the observations of the Auditor as to the proceedings instituted in the Circuit Court of

Kanawha county under the provisions of chapter four of the acts of 1903. . . The Attorney General, without consulting the Governor and without his knowledge, brought suit against about 12,000 corporations for the forfeiture of their charters. So far as the law seeks to forfeit the charters of corporations which are delinquent in the payment of taxes, the act has my approval. . . I do not believe that the Legislature ever intended that the charter of any corporation should be forfeited because of the nonfiling of a power of attorney, or for failure to notify the state officials of change of officers, or for such offenses as are properly punishable by a fine. . . I recommend to the Legislature the immediate repeal of the law. . ."

11 Ja 05, p.8-9

- i W. Va. White. "Another bill submitted, which was not passed at the special session, was the act making the Auditor the statutory attorney for that class of domestic corporations called nonresident corporations, and also for foreign corporations doing business in this state, and imposing an annual state tax of \$10 upon the corporation for such services. . . if any action is taken by the Legislature as to designating a state officer to act as statutory attorney for non-resident or foreign corporations, I would advise that no charge be made for the service."

11 Ja 05, p.18-19

516 Shares

- a Ill. Deneen. "I recommend to you that a law be enacted requiring corporations organized in this state to have their capital stock paid up either in money or property, before the issuance to them of licenses by the Secretary of State, to the end that the state shall not become a silent partner in frauds perpetrated by promoters upon the investing public."

9 Ja 05, p.8

589

Combinations and monopolies

See also 1740, Insurance

- a Ark. Davis. ". . . Gentlemen, the King antitrust bill must be passed by this body. . . Our object in this bill is as completely as possible to shut trusts out of the state; every character of trust, the insurance trust, the beef trust, the sugar trust, tobacco trust, and every other kind of trust that can be reached by state legislation is intended to be reached by this act. . ."
- b Wis. La Follette. ". . . In my judgment, there should be an entire revision of the laws relating to this subject [industrial combinations] and laws should be enacted for the prevention of illegal combinations within the state, whether they be corporations or otherwise, and to restrain the operations in this state by such combinations organized elsewhere. . ."

11 Ja 05, p.11-12

12 Ja 05, p.70-72

CIVIL LAW ADMINISTRATION OF JUSTICE

590 Administration of justice

591 Practice of law

See also 434, Attorney for minors; 675, Public prosecutor

592 Admission to bar

- a** Wash. McBride, 11 Ja 05, p.8-9.

600 Courts

Names and general organization of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries.

603 Reports. Reporters

- a** Vt. McCullough, digest of Vermont reports, 6 O 04, p.16.
- b** Ari. Brodie. Purchase of Supreme Court reports for exchange recommended. 16 Ja 05, p.16

605 Supreme courts

Including only those highest in state of whatever name, e.g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

- a** Fla. Broward. "The recent addition to the number of the justices of the Supreme Court has enabled that tribunal to dispose of cases that have for years been accumulating on its docket because three judges were unable to dispose of the ever increasing business brought to them." 4 Ap 05, p.42
- b** Neb. Mickey. "The Legislature of 1903 made provision for the temporary continuance of the Supreme Court Commission, six commissioners to be appointed for the period of one year and three commissioners to be appointed for the period of two years, from Ap. 10, 1903. The court, with the assistance of the three commissioners now in service, is unable to keep up with the work which comes before it, the number of cases filed each month being in excess of the number disposed of. . ." 5 Ja 05, p.10
- c** Wash. Mead. "In order to dispose of the constantly accumulating causes before the Supreme Court, I urgently recommend the enactment of an act, at the earliest possible time, providing for an increase of the membership of that tribunal from five to seven members, and that such increase be permanent. . ." 11 Ja 05, p.20

609 Intermediate courts

For officers and judges *see* 657-94; *see also* 371, Juvenile courts; 373, Pardons; 855, Court of claims

- a** Ari. Brodie. Congress should be asked to authorize the appointment of one or two additional judges. 16 Ja 05, p.15

- b Ind. Durbin. ". . . I believe with the late Governor Mount that 'the growing expense of our courts can be obviated and existing inequalities removed through the reorganization of the state into court districts each comprising several counties, equalizing as nearly as possible and providing for a number of judges to correspond with the size of said districts,' thus obviating the necessity of a special judge in any case. . . ." 6 Ja 05, p.34
- c S. C. Heyward. ". . . I . . . again recommend that the number of judicial circuits be increased from eight, as at present, to 10. . . ." 10 Ja 05, p.22

645

Inferior courts

- a Ct. Roberts. "The manner of selecting the judges for the police, city, town, and borough courts is a matter that should receive the careful consideration of the Legislature. . . The danger of harm begins with the selection of candidates for the Legislature, such selection often depending upon the respective attitudes of the several prospective candidates toward some local contest for a judgeship. . . I recommend such legislation as will place upon the Executive the responsibility of nominating all judges of the police, city, town, and borough courts as is now done in the case of the judges of the Superior Court, Courts of Common Pleas, and District Courts."

4 Ja 05, p.19-20

657

Court officers

For fees and salaries of special court officer see that head

668

Judges

- a Ct. Roberts. "It is generally admitted that the salaries paid to the judges of our higher courts are too small. In an effort to remedy this injustice the Legislature of 1903 passed an act which increased the salaries of the judges whose terms began thereafter, but not of judges theretofore appointed. As a result of this legislation, the youngest judge on the bench receives the largest amount, while the judge who has served the state for 20 years gets no increase at all. It has been supposed that this inequality was made necessary by the 24th amendment of our Constitution, which prohibits the General Assembly from increasing the compensation of public officers, employees, agents, and servants during the term for which they were appointed. This supposition may, however, be erroneous. In Pennsylvania a constitutional provision declared that 'no law shall extend the term of any public officer, or increase or diminish his salary, or emoluments, after his election or appointment.' Notwithstanding this, the Legislature passed an act in 1903 which increased the salaries of the judges of the Supreme Court of that state, and this act, I believe, has thus far been sustained as a valid exercise of legislative power. . . ."

4 Ja 05, p.20-21

CIVIL LAW ADMINISTRATION OF JUSTICE

- b Fla. Broward. ". . . The greatly increased cost of all the necessities of life makes the salaries heretofore established for judges entirely inadequate. . . ." 4 Ap 05, p.42
- c Minn. Johnson. "In framing our form of government the final guarantee of the preservation of the liberties of the people was vested in the judiciary. It was deemed that an independent judiciary was sufficient protection against oppression and unconstitutional legislation. It is felt that under our present system of selecting judges, through partizan conventions, these objects are not fully attained. . . To accomplish a change from our present system two methods have been suggested, one being founded upon the national ideas of appointment and life tenure, the other by a separate election held in the spring of the year at the time of the annual town and village elections. Of the two systems the latter in my opinion is preferable. . . ." 4 Ja 05, p.20-21
- d Mon. Toole. Abolition of one judge in Lewis and Clarke county recommended. 2 Ja 05, p.4
- e Mon. Toole. The election of judges at a time other than the general elections recommended. 2 Ja 05, p.4

669

Notaries public

- a W. Va. White. "I would renew my recommendation . . . that the authority of a notary public, besides being for the county where he lives, should extend to any other county of the state upon his filing his authority in the county clerk's office and paying a fee of five dollars to the state in each case, in addition to the clerk's fees. . . The effect of the present practice is to appoint a notary public for all time and eternity. . . The rate exacted should be at least six dollars, and the term limited to four years. . . ." 11 Ja 05, p.19

675

Public prosecutor

See also 50, Attorney general

- a Vt. Bell. "The custom has arisen in many instances of electing the younger and less experienced members of the bar to the office of State's Attorney. . . The result has been, however, that the important interests of the state, in criminal litigation, especially, have often been placed in inexperienced hands, and the state's attorneyship has become an experiment station in the law."

6 O 04, p.6

694

Stenographers

- a Wash. Mead. ". . . The court reporters should be given an official status, and provision made regulating their fees and salaries. The rules of evidence should be so modified as to permit the stenographer to testify as a witness from his stenographic report concerning the declarations of witnesses reported by him, subject to the right of the opposing party to rebut such evidence."

11 Ja 05, p.24

Civil procedure

Including such provisions as apply both to civil and criminal cases. *See also* 428 Probate procedure; 489, Divorce

- a Ill. Deneen. "I call your attention to the report of the Practice Commission appointed by Governor Tanner by authority of a joint resolution of the General Assembly on Mar. 15, 1899. . . . Out of 500 suggested changes, 150 were adopted and submitted to the General Assembly. But three of the reforms urged were enacted into law. It has been published by the Illinois State Bar Association and the Chicago Bar Association, and each of these learned bodies has a special committee charged with the duty of urging that you take action thereon at this session. There can be no doubt of the pressing importance of this matter, particularly to Cook county. There, the administration of the law has been attended with so much delay as to amount in many instances to a denial of justice. . . ."

9 Ja 05, p.2

Legal notices

- a W. Va. White. "I renew my recommendation of two years ago to the Legislature in regard to some liberal legislation in respect to legal newspaper publications. There are many matters of public interest and statements of financial affairs which ought to be required to be published. These statements, together with the financial statements now required to be published, should be published at legal rates in at least two papers of opposite politics in each county where there are two such publications. A general law should be passed providing that wherever a publication is required in a legal proceeding, it should be taxed by the clerk of the court as part of the court costs of the same. . . ."

11 Ja 05, p.73

Jury. Verdict

Qualifications. Drawing. Impaneling

- a N. M. Otero. ". . . Under the present system the jurors for the courts are selected by a commission of three appointed by the court. . . . I recommend the repeal of the present jury law and the enactment of a law by which jurors may be selected by lot, or by some method equally fair and impartial, always having in view for jury duty qualifications sufficiently high to eliminate the professional juror, the criminal or wholly irresponsible classes from service upon any jury."

16 Ja 05, p.23-24

Verdicts

- a Or. Chamberlain. ". . . There is neither reason nor justice in permitting a minority, or even one of 12 jurors, to prevent a verdict either in a criminal or civil case. I suggest the submission to the people of a proposed amendment to the Constitution which will authorize the modification of the law regulating trials by jury in both civil and criminal cases."

11 Ja 05, p.40

FINANCE

750

ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known [as the practical Code.

770

Finance. Public property

See also 2237, School finance; 2550, Local finance

772

Domain. Property

774

Public lands

See also 2240, School lands

- a Minn. Van Sant, state royalty from iron mines, 4 Ja 05, p.26-27.
N. M. Otero, 16 Ja 05, p.22-23. Or. Chamberlain, 11 Ja 05, p.26-31. U. S. Roosevelt, 6 D 04, p.19. U. Cutler, 10 Ja 05, p.10.
- b Id. Gooding. Reorganization of State Land Department recommended. 5 Ja 05, p.11-12
- c Minn. Johnson. Special message relating to timber lands and mineral leases. 9 F 05
- d N. M. Otero. "I recommend the passage of a law providing that the Commissioner of Public Lands be made clerk of the United States Land Commission. . . ." 16 Ja 05, p.17
- e N. D. Sarles. "I . . . recommend that you consider how best to conserve the coal supply in the possession of the state, that it may serve both as a means of irrigation and as a protection to the people of the state from any attempted monopoly." 4 Ja 05, p.10-11
- f Or. Chamberlain. "The lands granted to the state upon its admission to the Union for educational and other purposes have been practically all disposed of, and those that remain are of little value, as compared with those that have been sold. It might be interesting to review the legislation of the state as affecting those lands which have been sold and to point out how profitable such legislation has been to speculators and how costly to the irreducible school fund, but such a review can at this late date do no good." 11 Ja 05, p.27
- g Or. Chamberlain. "The grant to the state of the 16th and 36th sections . . . did not carry with it the title to those sections which were known to be more valuable for mineral than for other purposes at the date of the survey, and for every mineral section lost to the state it had the right to select indemnity lands in lieu thereof. Here was a rich field for exploitation by the speculator in mineral base. . . . Here was the condition of things on the 1st day of January, 1903: About 50,000 acres of land had been sold in place by the state, while the same lands had been adjudicated as mineral by the local land offices, and the Executive of the state, through his State Land Agent, had selected indemnity lands in lieu thereof, and these indemnity lands had been likewise sold, so that the state had practically sold the same land twice. In addition to

this, many of the alleged mineral lands had been used twice as bases for indemnity selections, so that in such cases the state had practically sold the same lands as often as three times to as many different individuals. . . ." 11 Ja 05, p.27-28

- b Wy. Brooks. "The national government is seriously considering the problem of regulating the grazing of live stock on the open range. . . Any system which contemplates the actual leasing of the open range by the government and the consequent interference with our present land laws can only result in disaster, as it will check our natural growth, development and progress. . ." 11 Ja 05, p.9

775

Lease

- a Minn. Johnson. "The Public Examiner . . . states . . . that mineral leases have been issued contrary to law, and to persons not legally entitled to hold them. . . I recommend the passage of a bill to provide for the sale of mineral leases at public auction to the highest bidder, and that every such sale should be after due and proper advertisement, and after a mineralogical examination of the land by the state before such sale. . ." 4 Ja 05, p.8
- b N. J. Stokes. "Most of the riparian grants of our state have been disposed of in fee simple and are no longer state assets. Riparian rights yet in our possession are worth, perhaps, \$5,000,000. These rights, especially such as are located along the Hudson river, will grow in value with the growth of the country. . . If in the past the state had not parted with her rights in this respect, she would now have an immensely valuable asset and one that would be a source of perpetual revenue. . . The Legislature can provide that riparian lands shall no longer be disposed of in fee simple, but shall be leased on rentals which, at proper periods, shall be readjusted on a fair basis of increased value. Such readjustments could be determined, in cases of dispute, by a representative of the state and a representative of the lessee, which would insure fairness to both parties. One riparian grant made 20 years ago is now assessed at a sum five times larger than was paid for it; another made 10 years ago at \$50 a foot front is now valued at \$1000 a foot front, and still another, made less than five years ago, is now held at many times its cost to the grantee. . . I submit that it is an unwise policy for our state to part with this valuable source of income." 17 Ja 05, p.22-23

776

Sale. Settlement. Appraisal

- a Wis. La Follette, 12 Ja 05, p.95.
- b Col. Peabody. "To my mind it is imperative that bona fide prospectors should be able to acquire mineral locations on state and school lands, as such a course, conducted along proper lines, would tend to more rapidly develop our vast undiscovered mineral resources."

6 Ja 05, p.7

FINANCE

778

Tide, shore and swamp lands

- a Or. Chamberlain. Swamp lands in Klamath county. 11 Ja 05, p.50
- b Cal. Pardee. ". . . There should . . . be some well guarded law under which the right to occupy submerged state land, within or near, incorporated cities, for these purposes may be facilitated and regulated. As the lands under navigable water are held by the state only in trust, for the promotion of commerce, it can never entirely alienate such lands, and it is a question to be determined by the state government what the tenure of the occupants shall be. Some states, like the state of Washington, on this coast, and the state of Massachusetts, on the Atlantic coast, grant leases for long terms of years, and charge rentals. If legislation should be had on this subject, and it should be determined that the leasehold policy is the most expedient one for California, the rentals should not be fixed so high as to deter enterprise. The primary aim should be to develop commerce; the collection of revenue from this source, while desirable in itself, is secondary." 2 Ja 05, p.41

778(5)

Timber

- a Minn. Van Sant. ". . . I earnestly suggest that the law be so amended that in future all trespass matters be acted upon solely by the Board of Timber Commissioners, which is composed, under the law, of the Auditor, the Treasurer and the Governor. I also recommend that a sufficient appropriation be made to permit the State Auditor to properly guard state lands and to protect the timber thereon from trespassers. . . Crimes perpetrated against the state upon timber and mineral lands should never be outlawed. It would be an additional safeguard to have two estimates and appraisals, by different cruisers, made before any timber is sold. . ." 4 Ja 05, p.17
- b Minn. Johnson. "The Public Examiner . . . states . . . that hundreds of thousands of dollars are due the state by reason of timber trespass, and urges suits for the collection of the amounts due." 4 Ja 05, p.7

779

Buildings. Property and supplies

780

Buildings and grounds

- a S. D. Herreid, protection from fire, 3 Ja 05, p.32-33. Tex. Lanham, 12 Ja 05, p.14.
- b W. Va. White. ". . . There should be a superintendent in charge of all the property of the state at the Capitol. . . There should be a superintendent of public buildings, who should be a competent and experienced builder, with knowledge of architecture and building, who should be the adviser of the Board of Public Works in these matters. He could also be the superintendent of the Capitol buildings and grounds. He should superintend the erection of all public buildings for the state. . ." 11 Ja 05, p.72

- [c] W. Va. Dawson. "If the Legislature had created the office of superintendent of Public Buildings, as proposed in another bill pending before it, it would have benefited the people of the state and saved to them much more than the salary and expenses of that office . . ."
 1 Mr 05, p.5

781 Capitol

- a Ari. Brodie, 16 Ja 05, p.13. Ark. Davis, 11 Ja 05, p.47-51. Cal. Pardee, 2 Ja 05, p.45. Ct. Roberts, 4 Ja 05, p.14-15. Minn. Van Sant, 4 Ja 05, p.3, 35-36. Nev. Sparks, the state capitol waterworks, 16 Ja 05, p.12-13. N. H. McLane, State House improvements, 5 Ja 05, p.20-21. N. D. White, 4 Ja 05, p.21. Pa. Pennypacker, 3 Ja 05, p.1-2. S. C. Heyward, 10 Ja 05, p.29. Wash. McBride, 11 Ja 05, p.7. W. Va. White, needed repairs to Capitol building, 11 Ja 05, p.72. Wis. La Follette, the Capitol fire, 12 Ja 05, p.105-9. Wy. Brooks, Capitol building commission, 11 Ja 05, p.23.
- b Ct. Roberts. "I call to your especial attention the sketch model of the proposed scheme of decoration of the north front of the state Capitol, prepared by the well known sculptor Paul W. Bartlett. . . I heartily approve the plans of the commission and its foresight in obtaining an entire and harmonious plan for completing one front at least of our beautiful state building. . ."
 4 Ja 05, p.15-16
- c Id. Gooding. "Our Capitol building was erected in 1885. . . Six of the departments are without permanent quarters at the Capitol. . . I am informed that there is not a fireproof vault, nor a fire or burglar proof safe, in the building. . . I recommend that a careful inspection and examination of the building be made without delay."
 5 Ja 05, p.21
- d Ind. Durbin. Ventilation of the Senate chamber and hall of the House of Representatives.
 6 Ja 05, p.40-41
- e Ky. Beckham. Message to special session called to consider question of site for Capitol.
 12 Ja 05, 4 p.
- f Mich. Bliss. "I renew my former recommendation that the Legislature make a thorough examination of conditions to the end that either an addition to the Capitol or a separate office building conveniently located be built."
 5 Ja 05, p.14
- g Mich. Bliss. "All state offices not now established at the Capitol should be moved to Lansing and here maintained."
 5 Ja 05, p.24
- h Mon. Toole. "Some provision ought to be made for the purchase of a permanent water supply for the state Capitol and grounds. . ."
 2 Ja 05, p.6
- i N. Y. Higgins. "The Superintendent of Public Buildings again calls attention to the inadequate office space contained in the state buildings. . ."
 4 Ja 05, p.22
- j N. D. Sarles. ". . . I believe that you should legislate for the creation of a capitol commission, to provide for further improvements to the state Capitol building and its completion in harmony with the style and plans of the new structure. . ."
 4 Ja 05, p.7

k S. D. Elrod. "It seems that the time has come when a state Capitol should be built. . ." 3 Ja 05, p.8

m S. D. Herreid. "South Dakota needs a state house. . . I would recommend that this entire subject be referred to a special joint committee. . ." 3 Ja 05, p.43-44

n Wis. La Follette. ". . . The Capitol Improvement Commission, acting under authority conferred by the Legislature of 1903, has caused to be prepared plans for a new capitol and will, no doubt, submit to you its recommendations. . ." 12 Ja 05, p.109

782 Executive mansion

a Mich. Bliss. "I wish to add my voice to that of other governors who have preceded me in stating that the best interests of the state demand that the Governor reside in the capital city during his occupancy of the executive office, and that the state should build and maintain a suitable executive residence. . ." 5 Ja 05, p.14

783 State architect

a Ind. Durbin. Recommendation renewed that office of State Architect be created. 6 Ja 05, p.26-27

b N. Y. Higgins. ". . . The law should give the State Architect ample time to prepare plans and specifications for public buildings. He should not be expected to have completed plans for any important work prepared in less than six months after the appropriation therefor is made." 4 Ja 05, p.22

784 Property and supplies generally

787 Contracts and supplies

a Col. Peabody. ". . . It might not be amiss to suggest the practicability of providing that the Commissioner of Public Printing shall also purchase all necessary supplies for the several departments of state government, instead of the Secretary of State, as at present, who is also compelled to keep a set of books. . ." 6 Ja 05, p.15

b Id. Gooding. ". . . I recommend that a law be passed requiring supplies, except such as are perishable or required for immediate delivery, for all departments of the state and all state institutions, to be furnished by contract let to the lowest bidder."

5 Ja 05, p.20-21

790 State institutions

a Neb. Mickey. "I recommend that the purchasing of all supplies for both the Institute for the Blind and the Institute for the Deaf and Dumb be placed in the hands of the Board of Purchase and Supplies, this being the board which does the buying for all the other state institutions. It is a noticeable fact that the two institutions named pay more for the same classes of goods than do the other institutions, the reason being that the board, doing a much larger volume of business, can buy cheaper than can the trustees having the care of the two institutions under discussion." 5 Ja 05, p.27-28

b N. Y. Higgins. "It would seem that some additional safeguards should be provided looking toward more public competitive bidding in the purchases made by the hospitals and state charitable and

reformatory institutions, either by amendment of the law or by some set of rules and regulations to be adopted pursuant to statutory authority granted therefor. . . ." 4 Ja 05, p.10

c Tex. Lanham. Report of the State Purchasing Agent. 12 Ja 05, p.13

d W. Va. White. ". . . I renew my recommendation of two years ago that an act be passed requiring the officers of . . . institutions to buy in as large quantities at one time as their needs demand, after competitive bids have been received, giving all who desire a fair chance to bid. . . ." 11 Ja 05, p.73

791 Insurance

a Cal. Pardee. "One of the business practices of the state which is of questionable expediency is the refusal to insure its property (with some exceptions) against loss by fire. Because in former years abuses were discovered in connection with the placing of policies, the Legislature passed an act prohibiting insurance, and it has remained the law for 14 years. . . . Whether it be wise to continue the prohibition of insurance is a question the Legislature might profitably consider; but should the prohibition be removed, it would be well to require the assent of the State Board of Examiners to each insurance policy accepted. . . . It may be that the conditions are such as to justify the state in carrying its own risks; but, at least, there should be some provision made to meet sudden calls for funds to make good losses sustained through fire. To that end, I recommend the establishment of an insurance fund to be made up of a moderate sum set apart from the proceeds of taxation each year. . . ." 2 Ja 05, p.44

b Mon. Toole. "We have never carried insurance upon the Capitol. We ought to carry at least \$75,000, and I recommend that a sufficient appropriation be made for that purpose." 2 Ja 05, p.6

c Neb. Mickey. ". . . The state has been carrying its own insurance since 1889, the last appropriation for the payment of premiums (\$24,000) having been made in 1887. It is estimated that the cost of carrying reasonable insurance on present state property will amount to \$30,000 per biennium. . . ." 5 Ja 05, p.19

793

Public works

796 State engineer. Surveyor

a Pa. Pennypacker. Need for creation of office of state engineer.

3 Ja 05, p.11

797

Light, water and sewerage plants

a Tex. Lanham, 12 Ja 05, p.14.

800

Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing.

FINANCE

- a **Arl. Brodie**, 16 Ja 05, p.6-11. **Ind. Durbin**, State Tax Board, 6 Ja 05, p.28. **N. J. Stokes**, 17 Ja 05, p.8-15. **S. D. Herreid**, 3 Ja 05, p.3-16.
- b **Cal. Pardee**. "In my inaugural address, two years ago, I expressed the belief that the time was near at hand when the people of California should consider the question whether they ought not to introduce radical changes in their revenue and taxation laws, especially in relation to the raising of revenue for state purposes. . . The further opinion was expressed that the object aimed at ought to be the eventual separation of state and county taxation, giving to each of these political divisions its own subjects of taxation and its own assessment machinery. . . It is worthy of note that the states in which the revenue laws are today in the most satisfactory shape are those in which there have been the fewest constitutional restrictions upon the power of the Legislature. . . The states which have effected a complete, or almost complete, separation of their state and local revenue systems are New York, Pennsylvania, New Jersey, Connecticut, and Delaware. . . Ohio has recently adopted a corporation tax law which has made it possible to reduce the rate of the general property tax one half. Minnesota has reduced the same tax to 10c on \$100. Wisconsin has come so near to eliminating the ad valorem tax that only a small part of her revenue is raised by it, and the rate is 15c on the \$100. Massachusetts raises half, or more than half, of her revenue by indirect taxes. Maine is working along similar lines. Maryland raises only a third of her revenue by ad valorem taxes, and West Virginia but one fourth. The old state of Virginia has recently adopted a new revenue law which embodies a number of modern ideas. Tennessee secures from other sources than the general property tax considerably more than half of her revenue, and Missouri has made such progress that her last state tax rate was only 15c on \$100. Michigan is making progress in the same general direction. One of the latest states to remodel its revenue laws with gratifying results is Colorado. Comparatively little can be done under the present Constitution to change the revenue laws, or to provide new sources of revenue. . ."
- 2 Ja 05, p.12-17
- c **Kan. Hoch**. ". . . Four years ago the Legislature provided for the appointment of a [tax] commission. . . After the most careful study of the laws of other states, and of the conditions in this state, this commission formulated a bill. . . This bill was submitted to the last Legislature and exhaustively discussed, but finally failed of passage, so that the present Legislature faces the same conditions faced by its predecessors. . . If this Legislature can devise some method by which to accomplish two results, namely, the honest listing of personal property for the purpose of taxation, and the taxation of it at its real value when listed, it will have done that which its predecessors have tried in vain to do, and which will be of incalculable benefit to the state. . . I believe that a county assessor with deputies in each township would be a great improvement over the

present method. Then, provision should be made for the taxation of franchises, including carline, telegraph, telephone, pipe-line, express and other similar companies at their full value. . . ."

10 Ja 05, p.8-10

- d **Mich. Bliss.** "I favor and urge the passage of a bill reducing the membership of the Board of State Tax Commissioners to three with the proviso that only two members shall belong to any one party, thus constituting a nonpartisan board. . . . At the time the membership of the Tax Commission was increased from three to five, a bill was passed creating the State Board of Assessors, composed ex-officio of the Board of State Tax Commissioners, charged with the duty of assessing railroads and certain other specified corporate properties. . . . The task imposed by the original and subsequent legislation has been so far discharged that the problems now remaining can as well be solved by a board of three as by one of five members, and at a considerably less expense. . . ." 5 Ja 05, p.6
- e **Mich. Warner.** Tax Commission should be reduced from five to three members. 5 Ja 05, p.7
- f **Minn. Van Sant.** ". . . I suggest for your consideration the wisdom of providing for a permanent Tax Commission . . . I also favor such action as will enable us to impose a franchise tax . . . whatever property is worth for purposes of income and sale it should be worth for the purpose of taxation. . . . That the people should again be afforded an opportunity to pass upon proposed amendments that will give the Legislature broader scope in the matter of tax legislation is imperative. . . . Should the constitutional amendments prevail many tax reforms could be inaugurated, such as the income tax, registry tax on mortgages, franchise tax, etc. . . ." 4 Ja 05, p.6-7
- g **Minn. Johnson.** ". . . I would recommend the passage of a bill providing a constitutional amendment giving greater latitude to the Legislature in the regulation of our tax system. I believe a partial solution of this vexatious problem lies in an income tax, and especially in an income tax upon credits. To secure this there must be an amendment to our Constitution. . . ." 4 Ja 05, p.5
- h **Neb. Mickey.** "The revenue law passed by the preceding Legislature has met the expectations of its friends and has been received with popular favor. . . ." 5 Ja 05, p.4
- i **Or. Chamberlain.** "The experience of the last Legislature should be a warning to this not to attempt too much in the way of amending statutes on the subject of taxation. A general amendatory statute hastily passed then, necessitated the convening of the Legislature in special session to cure defects that invalidated the same. . . . It is possible that if a Tax Commission were appointed to gather data, and frame a law to be reported two years hence, beneficial results might be attained. . . ." 11 Ja 05, p.5-6
- j **R. I. Utter.** "I would . . . suggest that the general laws of the state regulating taxation, especially as they apply to personal

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property, might well be so amended as to provide for a more equitable valuation of such property for purposes of taxation. . ."

5 Ja 05, p.6

- k** W. Va. White. ". . . The main purposes of the new tax laws, as passed at the special session of 1904, were in harmony with the principles underlying the Tax Commission's report; namely, to provide for the abolition of direct state taxes as far as possible; to raise the needed state revenues by license and privilege taxes, fees and other indirect methods of taxation; to assess property of all kinds, corporate and private, real estate and personal, by one standard of value, namely, its real or actual value. . . Supplemental legislation is needed, and improvements can be made in some of the laws passed, by more clearly defining and strengthening them in several particulars.

11 Ja 05, p.10-11

- m** W. Va. White. "It seems to me advisable that our Constitution should be amended so as to permit the classification of property by the Legislature for purposes of taxation. . . The actual value of all kinds of personal property—tangible and intangible—can not be accurately ascertained or fixed so as to make taxation in all respects equal and uniform. . ."

11 Ja 05, p.22-23

- n** Wis. La Follette. ". . . The present Tax Commission will go out of existence on May 1st, 1909, and there is at present no law providing for its continuance beyond that date. The new legislation placing upon the members of the commission the administration of the assessment of the general property of the state, the assessment of the property of railroads, and of some other corporations, while the commission still retains its supervisory and advisory duties over local assessing and taxing officers, renders it absolutely necessary to make this branch of the public service permanent. . ."

12 Ja 05, p.11

803 Temporary commissions and special investigations

- a** N. J. Murphy. ". . . I appointed at the last session of the Legislature a commission to consider the subject of the taxation of all classes of property. This commission . . . will shortly present its report. . ."

10 Ja 05, p.5

807 Separation of state and local taxation

- a** Ga. Terrell. "The trend in all the older states of the Union is towards an abolition of ad valorem property taxation for state purposes and the collection of the necessary revenue from special taxes such as taxes on franchises, privileges, professions, inheritances, and the like. . . This is a model system, and we are making some progress towards its attainment."

28 Je 05, p.6-7

- b** Or. Chamberlain. "Taxation for state purposes ought to be divorced as far as possible from that for county and municipal purposes. . ."

11 Ja 05, p.8

- c **Vt. McCullough.** "In the past two years no state tax has been levied. . . ." 6 O 04, p.6
- d **Wash. Mead.** ". . . I look forward hopefully to that day when it will no longer be necessary to levy direct taxes for the support of the state government. . . ." 11 Ja 05, p.27
- e **W. Va. White.** "If it shall be the pleasure of the Legislature to submit to the people the constitutional amendment permitting the abolition of all state taxes, I would further recommend that the present Legislature amend section 51 of chapter 3 of the acts of 1904, by providing that, if the amendment be ratified by the voters, for the year 1907, and thereafter no taxes whatever shall be levied for state and state school purposes. . . ." 11 Ja 05, p.20
- f **Wis. La Follette.** ". . . During the years 1903 and 1904, there was a large surplus in the state treasury, and it was clear that the public welfare demanded that such surplus should be applied to the state tax levy. . . This is the first time in the history of Wisconsin that the condition of the general fund has been such as to warrant the complete remission of all taxes for administrative purposes. . ." 12 Ja 05, p.4

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Taxation of personal property

- a **Minn. Van Sant.** "If drastic measures are necessary in order to place property on the tax rolls, then let legislation be of that character. . . It is safe to assert that not to exceed 25% of the personal property of the state is assessed." 4 Ja 05, p.5

809 Money and securities

See also 841, Corporation taxes

- a **S. D. Herreid.** ". . . Probably not more than 2% of moneys and credits is taxed. . . One can hardly expect the owners of this class of property to submit to an assessment at full value, and pay taxes which in many instances would equal one half the rate of interest." 3 Ja 05, p.8-9
- b **Wis. La Follette.** "The mortgage taxation law, so called, of 1903 has proved a disappointment. While no statistics can be produced at present to show its exact effect, it is a matter of common knowledge that the rate of interest in Wisconsin upon mortgages, as well as upon other credits, has not been reduced since its enactment. . . This act . . . resulted in exempting from taxation about fifty million dollars worth of property assessed in 1902. . . It is my opinion that in the present situation in this state, mortgages should be restored to the taxable class of property by the reenactment of the law as it stood before 1903, until such time as the Legislature can pass a law for the taxation of incomes to take the place not only of the taxation of credits, but also of the taxation of most, if not all, other personal property. . . ." 12 Ja 05, p.20-21

Exemption from general property tax

See also under special classes of taxes; also 1633, Encouragement of industries

- a **Vt. Bell.** "When we legislate to exempt any property or class of values from taxation it becomes a difficult matter to frame just laws. When all property is equitably taxed and there are no exemptions whatever, then laws are, and can be made more simple and effective . . . I am in favor of a law whereby no property, real or personal, shall be exempt from its proper levy for the support of the public treasury." 6 O 04, p.2-3

Assessment

- a **Ari. Brodie.** "I . . . recommend that the office of county assessor be made elective instead of appointive." 16 Ja 05, p.9
- b **Col. Peabody.** ". . . Provision [should] be made for the mileage and per diem of the assessors at their annual meeting." 6 Ja 05, p.4
- c **R. I. Utter.** ". . . I recommend that the General Assembly authorize a revaluation of the several cities and towns as a basis for the state tax." 5 Ja 05, p.6
- d **S. D. Elrod.** "The tendency of things under existing laws, is to escape taxation and, if something is not done, before we realize it, real estate and the homes of our people will be paying all the taxes . . . If any class of property is to be exempt it should be the little home of the family. It is a notorious fact that no tax is paid on probably 75% of our personal property. Moneys and credits are not listed. . . We have little faith that a costly tax commission can bring about a reasonably satisfactory adjustment. . ." 3 Ja 05, p.3
- e **S. D. Herreid.** ". . . Every assessor aims to protect his district by a very low assessment and every county board aims to protect the county. The result is an aggregate assessment, probably less than 25% of the real valuation of the taxable property in the state. However, it is not a low valuation that is so objectionable, but the gross inequality which is inevitable under the prevailing practice. During the year of 1904 there were 1018 men engaged in the work of assessment in this state as county, city and township assessors and deputies, without uniformity of action and without a standard of valuation. There were 53 county boards of equalization, each board acting independently. A perfect system would give the State Board power to appoint every assessor in the state, with power to summarily remove every one who fails, neglects or refuses to assess property according to law. Such a change, however, is too radical for consideration at the present time. I respectfully make the following recommendations: 1st. The first meeting of the State Board should be held in January or February, with authority to adjourn from time to time. 2d. The appointment by the members of the board of an officer who may be designated 'State Tax Commissioner.' 3d. An annual meeting of the county assessors of the state.

Counties having no county assessor, the chairman of the county board to represent said county. . . ." 3 Ja 05, p.11-12

- f Tex. Lanham. ". . . It is a fact of common observation that in rendering and assessing property for taxes the state is deprived of a very large amount of revenue to which it is entitled. The methods and machinery for obtaining proper renditions and the ascertainment of correct taxable values are entirely inadequate and defective. . . I earnestly recommend. . . that the proper assessment of intangible assets be fully provided for; that the modes of rendition and assessment of property be so revised and regulated that the reluctant taxpayer and the neglectful assessor can not escape the claims of the state and their obligations to law; that, if necessary, the jurisdiction of the courts shall not be invoked for the collection of any debts upon which taxes ought to have been paid and which have yielded nothing to the state; that no legitimate source of revenue, whether owned by corporations or individuals, shall be allowed to withhold its appropriate tribute to the maintenance of the government, and that proper enforceable penalties shall be provided to compel the full performance of duty. The solemnity and comprehensiveness of an oath should be made to mean something. To enumerate all the infirmities of the present laws and to specify every suitable change and amendment that should be adopted can not be undertaken in this communication, but it is hoped that the suggestions made will sufficiently invite the attention of our legislators to the gravity of the situation and the emergencies that summon their best individual and collective efforts. . . ." 12 Ja 05, p.4-6

- g W. Va. White. Change to actual value assessments should begin the same year for each class of property. 11 Ja 05, p.13-14

820

Real estate

- a Or. Chamberlain. ". . . The summaries of the assessment rolls of the various counties for 1903 . . . show that the value of improvements . . . was . . . \$40,597,683. The risks written by fire insurance companies on property situated within the state for the year ending December, 1903, amounted to \$95,531,484.84. It is safe to say that more than 80% of this insurance is upon improvements upon real property. When it is remembered that a very large part of these improvements carry no insurance, and that property is usually insured for only about half its value, it will be seen at a glance what an enormous valuation on this class of property alone escapes taxation. . . . There are many thousands of acres of land in the state which have never been placed upon the assessment rolls, and which have in consequence escaped taxation. . . I . . . predict that with a law in force authorizing the assessment of property that has escaped taxation for any number of years back, the revenues of the state will be very materially increased." 11 Ja 05, p.6-7

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- b Tex. Lanham.** ". . . A majority of the voters in Ochiltree county have formed themselves into an 'antitax league' for the purpose of preventing the assessment for taxes of such lands, and . . . officers have been elected pledged to carry out this policy. . . the Commissioners Court directing the Tax Assessor not to list such lands for taxation and refusing to approve the tax rolls containing their assessment. . . The liability of these lands to taxation is beyond doubt. . . These suggestions are submitted to the end that such amendments of or additions to the laws on the subject may be made as, in your wisdom, shall be found necessary and sufficient to correct the evil and to enable the state to compel the payment of these taxes, even to the extent, if necessary, of disorganizing Ochiltree county and attaching it for judicial purposes to some adjoining county whose officers would feel bound to obey the law and the obligations of their official oaths rather than the commands of an 'antitax league'. . ."
- 12 Ja 05, p.9-10
- c Wy. Brooks.** "In view of the fact that the average value of all lands throughout the state as assessed is but \$1.50 per acre, and that while in Big Horn county it averages \$7.20 per acre, in Sweetwater county it averages but 31 $\frac{1}{2}$ c per acre, some action toward uniformity of land assessment seems imperative. I would suggest that a joint committee be appointed to investigate and report on this subject, and, if possible, all lands throughout the state be classified as grazing, agricultural, railroad and mineral, and a minimum valuation placed upon each class."
- 11 Ja 05, p.7

825

Review. Equalization. Adjustment

For equalization by state *see also* 801

- a Col. Peabody,** 6 Ja 05, p.17. **U. Cutler,** Board of Equalization, 10 Ja 05, p.22. **Wy. Brooks,** 11 Ja 05, p.7.
- b Fla. Broward.** ". . . I recommend that a state board of equalization of assessments be created. . ."
- 4 Ap 05, p.10
- c Ga. Terrell.** ". . . The General Assembly has . . . left the valuation of property a matter almost entirely within the discretion of the taxpayer. . . The fairer he is the more onerous his individual burden. . . it would accomplish much good and go a long way toward equalizing the returns to repeal the present arbitration law, and provide that in case of a disagreement between the citizen and the Tax Receiver as to the valuation of property, the question be referred to a board to be appointed by the county authorities, or elected by the people. . ."
- 28 Je 05, p.4-6
- d Mich. Warner.** "I recommended that the powers of the Tax Commission be curtailed in some respects. With the fixing of the aggregate assessment of the realty of the township or other legal subdivision, the work of the commission should cease, and the spreading of that assessment over the township or other legal subdivision should be done by the local assessing officer. . ."
- 5 Ja 05, p.7

- e **Mon. Toole.** Submission of constitutional amendment enlarging the powers of the State Board of Equalization by which that board can raise or lower assessments upon classes of property without regard to its effect upon the total assessment as returned, recommended. 2 Ja 05, p.4
- f **Neb. Mickey.** ". . . I . . . recommend that section 130, article 1, chapter 77 of the Compiled Statutes of 1903 be amended so as to permit the State Board of Equalization to differentiate between classes of property in equalizing county assessments. Another inherent weakness in the present law is the fact that county boards of equalization are compelled to make their levies in advance of the equalization of the county assessments by the state board. . ." 5 Ja 05, p.6
- g **N. J. Stokes.** ". . . In order to escape part of the county tax, some taxing districts have resorted to low valuations and have released from taxation almost all personal property. . . The remedy for this and similar evils would seem to be the reorganization of the State Board of Taxation with greater power; or, better, perhaps, the creation of a state tax court that would sit as a court of appeal in these matters, with equitable powers to remedy inequality in valuation and equalize the same, not only in the case of individuals and corporations, but in cases of appeal between taxing districts, and between counties where these are contributing to a common cause." 17 Ja 05, p.12-13
- h **N. M. Otero.** ". . . During the past two years a trial has been given by the Board of Equalization to the sections of chapter 88 of the laws of 1903 which empower it to apportion and adjust in a lump sum the amount of taxes to be raised among the different counties, and the board is frank to acknowledge that this method under existing circumstances, while correct theoretically, in practice has not abolished existing inequalities but has rather accentuated them, not to speak of the question of law that might be raised by one county levying a higher rate for territorial purposes than another county upon the same class of property. . ." 16 Ja 05, p.8
- i **N. M. Otero.** ". . . Since the assessors to a great extent are either unwilling or unable to live up to the plain mandates of the law, the powers of the Board of Equalization and of the Traveling Auditor should be augmented, giving them complete power to review, revise and correct the assessment returns from each county, to reassess property and compel the listing of all property, personal and real, visible and invisible, at its proportionate value so that the assessed valuation of one class of property shall bear the same relation to its true value that the assessed valuation of other property on the list bears to its true value. . ." 16 Ja 05, p.9
- j **Tenn. Frazier.** ". . . I recommend that the railroad commissioners be constituted the State Board of Equalization, and be required to perform the duties now devolving by law upon that board, without additional compensation. 3 Ja 05, p.25-26

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Collection

- a Ari. Brodie. ". . . In many of the states experience has demonstrated that the collection of taxes semiannually instead of annually has resulted to the advantage and benefit of the taxpayer, as well as to the business interests. Under the existing method of tax collection in this territory large sums of money are collected and placed in county vaults during the last two months of the year when money is mostly needed in business enterprises, and as the statute practically prohibits county treasurers from placing county funds in banks, these large sums of money withdrawn from circulation often create stringencies in the money markets of the various communities, resulting in high rates of interest and stagnation in business during the period this money is withdrawn from circulation. In my opinion if taxes are paid semiannually instead of annually the condition noted above would be relieved and the taxpayers and business interests would feel the benefit. . . ." 16 Ja 05, p.10-11
- b N. M. Otero. ". . . In most other commonwealths collectors of taxes are charged and are held responsible upon their bonds for 100% of the total taxes charged against property in their jurisdiction, and they can be exonerated from collecting any part of this, for good reasons only, and upon specific action in each case by the Board of Equalization. Why can not such a course be pursued in New Mexico?" 16 Ja 05, p.10

829

Delinquent taxes. Tax sales. Redemption

- a Ari. Brodie. ". . . I . . . recommend . . . such legislation as will plainly and clearly give the taxpayers . . . the right to redeem their property within a reasonable time after sale. . . ." 16 Ja 05, p.10
- b S. C. Heyward. "Our present law, fixing a nominal penalty for nonpayment of taxes within the time required by law, should be amended, and a penalty of 10% should immediately attach upon all taxes remaining unpaid on January 1st. I recommend that the time allowed for the payment of delinquent taxes, with penalty, be fixed at 60 days. . . ." 10 Ja 05, p.6

830

Income tax

- a S. C. Heyward. "The income tax law is practically disregarded throughout the state, the only exception of importance being Richland county for the past year. The entire receipts from the tax go into the state treasury for state purposes, and better provision should be made for the enforcement of this law alike in all counties." 10 Ja 05, p.5-6
- b Wis. La Follette. "I recommend the passage of an amendment to the Constitution authorizing the Legislature to enact laws providing for 'a graduated income tax'" 12 Ja 05, p.22

833 Business taxes. Revenue, license or privilege taxes

See also 842, Incorporation taxes; 1532, Regulation and licensing of trades and occupations.

- a Del. Hunn. Provision should be made for the enforcement of the state license on distillers of alcoholic liquors. 3 Ja 05, p.10-11
- b Fla. Broward. ". . . I would recommend that such legislation be enacted as will extend the license tax law to cover those profitable businesses not now contributing a proper share towards the expenses of the government which affords them protection." 4 Ap 05, p.9
- c Tex. Lanham. The following is quoted from the democratic state platform: "We recommend that occupation taxes on useful occupations be removed as soon as a fair system of property taxation can be devised to raise the money now furnished by taxation of such occupations." 12 Ja 05, p.9
- d W. Va. White. Amendment recommended to license tax on the manufacturers of intoxicating liquors. 11 Ja 05, p.25

835 Tax on deeds and contracts. Fees

- a W. Va. White. "One of the revenue measures which was not passed by the extra session was the bill providing for a recordation tax. The reason that the bill was not passed was that in the limited time of the special session, and in the closing days thereof, a discussion arose as to the advisability of having a graduated tax imposed for the recordation of deeds and deeds of trust rather than a flat rate. . . . I recommend the passage of such an act at this session of the Legislature to go into effect January 1, 1906." 11 Ja 05, p.18

836 Inheritance taxes

- a Cal. Pardee. ". . . I recommend to the Legislature that it give careful consideration to the question whether the application of the present law should not be extended, first, by taxing direct as well as collateral inheritances, and secondly, by making the tax progressive, as has been done in Illinois, Ohio, Missouri, Wisconsin, and many other states. . . . Doubtless there are still theorists who regard such a tax as an attack upon the established rights of property; but when, in a country where property rights are so firmly established as in England, the government claims the privilege of taking from estates of the largest size so much as 8%; when in the republic of France the tax goes, in some instances, so high as 15%; when in such old commonwealths as Pennsylvania, New York, and Massachusetts the system is in full operation; and when, finally, 30 states in all have adopted this tax, it can no longer be regarded as revolutionary, except in the sense that all progress is revolutionary. . . ." 2 Ja 05, p.18-19
- b Ct. Roberts. "The law taxing inheritances should be amended so that the same estate should not be taxed twice within a prescribed period of time." 4 Ja 05, p.17

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- c **Ga. Terrell.** "A reasonable tax upon collateral inheritances, under proper limitations, would be just and wise. . . . Thirty of the 45 states of the Union have an inheritance tax, and a majority of these 30 levy a tax upon both direct and collateral inheritances. . . ." 28 Je 05, p.8
- d **Mass. Douglas.** Recommends levy of a tax on direct inheritances. 21 Mr 05, p.12-14
- e **Minn. Johnson.** "The taxation of inheritances is a matter which should be considered at this session. Efforts have been made along this line by preceding legislatures, but in every instance such legislation has been found unconstitutional. The defects having been pointed out by the Supreme Court, it is possible to pass a law which will be approved by that court. . . ." 4 Ja 05, p.5
- f **N. H. McLane.** "Under our amended Constitution two new sources of revenue are available, namely, a tax on inheritances and a tax on franchises. It is not presumed that a tax on franchises would produce a very large amount of revenue in this state, but a tax on inheritances would, in my opinion, produce considerable revenue without injustice to any one." 5 Ja 05, p.5
- g **Wash. Mead.** "Investigation shows that the state is not deriving the revenue it should from the inheritance tax law, many county and judicial officers failing to inform the State Treasurer when estates, on which the tax should be collected, come into court." 11 Ja 05, p.29
- h **Wis. La Follette.** ". . . Some effective supervision on behalf of the state is necessary to insure to the state its lawful revenues. . . . As it is a matter primarily within the jurisdiction of the county courts, any steps taken are of a quasi legal character, and it seems proper that any supervision on the part of the state should be vested in the Attorney General. . . ." 12 Ja 05, p.12

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Corporation taxes

Including taxation by general property tax

- a **Ark. Davis.** ". . . You should so amend the tax laws of this state as that all corporate property should be returned, just as railroad property is returned, to the Railroad Taxing Board of this state, composed of the Auditor, Secretary of State and the Governor. This removes the assessment from local influences and local surroundings, and places the responsibility upon three state officials who dare not shirk their duty in the proper assessment of this character of property. If you will do this, gentlemen, you will see that corporate property in this state will bear its just proportion of the burdens of the government. . . ." 11 Ja 05, p.14-17
- b **Ga. Terrell.** "We should . . . require a specific tax from every corporation doing business in the state." 28 Je 05, p.7
- c **N. Y. Higgins.** "The satisfactory condition of affairs whereby the tax laws produce sufficient revenue for the requirements of the

state is threatened by the effect of very recent decisions rendered by the Court of Appeals. . . . Particular reference is made to the definition of 'capital employed within this state' as laid down in the case of the Fort George Realty Co. (179 N. Y. 49), and the construction placed upon the law imposing a tax upon premiums received by life insurance companies contained in the case of the Provident Savings Life Assurance Society (179 N. Y. 227). . . . I . . . recommend that the law be amended so as to meet the criticisms made by the court in the tax cases above referred to. . . ."

4 Ja 05, p.4-5, 7

- d Wash. Mead. ". . . I am convinced . . . that incorporation fees . . . might legitimately be increased. An intelligent tax commission, the creation of which I recommend . . . has a broad field of labor in determining what tax shall be borne by those valuable but intangible forms of property hitherto untaxed in the class with franchises. In the meantime, I see no impropriety in this Legislature proceeding to levy a tax on the gross earnings of express companies, street car companies and sleeping car companies. . . ."

11 Ja 05, p.27

842 Incorporation and license fees and taxes

See also 500, Corporations

- a W. Va. White. ". . . An increased revenue can be secured for this state from a wise classification and a revision of the rates charged for resident or home corporations. . . ." 11 Ja 05, p.19

843 Banking institutions

See also 1679, Banking

- a Del. Hunn. Refusal of banks to pay tax: law should either be enforced or amended so as to remove doubts as to constitutionality.

3 Ja 05, p.10

- b N. Y. Higgins. "The tax on the surplus and undivided profits of savings banks appears in its practical operation to be a tax upon the depositors, and is, therefore, contrary to the long-established policy of the state to exempt from taxation the savings of those who make use of these banks. . . . I recommend the repeal of this tax. . . ."

4 Ja 05, p.6

- c N. Y. Higgins. Special message urging repeal of tax on surplus of savings banks.

4 My 05

- d S. D. Herreid. ". . . From the best information that the state board could obtain it appears that for the year 1904 bank stock was assessed from 19½% to 100% of par value. . . . The board attempted to equalize by an assessment of 60% of the par value, although the 'true and full value' of bank stock, even in the same county varies from par to two and three times par value and a uniform arbitrary rate is grossly inequitable. . . ."

3 Ja 05, p.9

Insurance companies*See also 1732, Insurance*

- a Wis. La Follette.** "Chapter 1, of the Wisconsin laws of 1901, imposes a tax of 3% on the gross premiums of domestic life insurance companies collected in this state, and a license fee of \$300 a year on foreign companies. . . . It is very unjust and inequitable to require domestic companies, having only 35% in value of all the outstanding policies in the state, to pay over 84% of the life insurance taxes, and at the same time to impose but 16% of such taxes upon foreign companies, the value of the policies of which is 65% of the total valuation of all outstanding life insurance policies in the state. . . . The argument has been made that foreign companies should not be taxed in Wisconsin at the same rate as domestic companies are taxed, because such a course would lead to ruinous discrimination against our domestic companies in other states. . . . The Legislature of this state should not be moved to the rejection of a just law when proposed, by the consideration that an unjust law might be enacted in some other state in retaliation. . . . The only tax that appeals to our sense of justice is a tax based upon the cash value of the policies—that is the equity of the policies in the assets of the company. This includes both reserve and surplus. It would be equivalent to taxing the policies on their investment value in the hands of the owner. But, to make the administration of the tax economical and effective, it should be levied upon the company. To avoid double taxation, the value of real estate and United States bonds owned by the company should be deducted from the gross assets before making the levy, for real estate is usually taxed locally and United States bonds are exempt. . . . If it be thought, for any good reason, that such a tax would be excessive, then it might be well to consider the method now in vogue in Massachusetts where the cash value of the policies of all companies (domestic and foreign) doing business in that state is subject to an 'excise tax' of $\frac{1}{4}$ of 1%. . . . Similar adjustments should be made in the laws with respect to other classes of insurance companies."

12 Ja 05, p.17-20

Transportation and transmission corporations*See also 1200, Transportation*

- a Mich. Bliss,** litigation in regard to "ad valorem" tax laws, 5 Ja 05, p.20-22. **Wis. La Follette,** 12 Ja 05, p.22-25.
- b Ari. Brodie.** ". . . I . . . recommend that the Board of Equalization be given the power to assess all telegraph and telephone lines in the same manner as railway lines, and that power be given the board to assess, in like manner, the cars and property of the Pullman Co. . . ."
- 16 Ja 05, p.7
- c Ark. Davis.** ". . . While our Constitution provides that all property shall be subject to taxation, and while I insist that the fran-

chise of a railroad is property under the meaning of this constitutional provision and properly subject to be taxed, yet a specific legislative declaration on this subject, would forever set at rest this question. . ."

11 Ja 05, p.17-20

- d Ct. Roberts. "The policy of previous General Assemblies in exempting quasi public corporations from taxation is fundamentally wrong in principle, and should be discontinued. Every dollar's worth of property in the state, except that used for religious, college, or school purposes, should bear its just proportion of the expense of carrying on the government."

4 Ja 05, p.17-18

- e Fla. Broward. "Immensely valuable franchises and special privileges granted by the state and protected by the law are unjustly allowed to avoid contributing to the expense of maintaining the government under which those holding them prosper and accumulate wealth. . ."

4 Ap 05, p.9-10

- f Mich. Warner. ". . . The railroads, contending that the taxes for 1903 and 1904 are grossly excessive, have begun injunction proceedings in the federal courts to restrain the state from collecting them. . . The total amount at issue at present for immediate collection is \$3,575,746.60. This tax is a continuous one and the real amount involved, or the capital at stake, so to speak, is the sum of money which at interest at a fixed rate, of say 5%, would produce every year practically \$2,000,000 as a net income. Or in other words the total amount at issue in the so called railroad state cases now before the courts is practically \$40,000,000. . ."

5 Ja 05, p.7-8

- g Mich. Warner. "Sleeping car companies . . . should . . . come under the same general system of taxation that is applied to other corporations of like nature. . ."

5 Ja 05, p.8

- h Minn. Van Sant. "Under the law the examiner is clothed with authority to examine the books and records of corporations who pay to the state a percentage of their gross earnings in lieu of direct taxes. By arduous examination and research it was discovered that millions of dollars of the earnings of some of these companies had not been reported, and, consequently, the state was being deprived of hundreds of thousands of dollars to which it was justly entitled. . ."

4 Ja 05, p.15

- i N. J. Murphy. "The subject of the proper taxation of railroad property should receive the earnest attention of the Legislature. . ."

10 Ja 05, p.5

- j N. J. Stokes. ". . . For purposes of taxation, railroad property has been classified, apart from franchises and personality, into two classes, the main stem and the property used for railroad purposes outside of the main stem. The main stem is confined in some cases to a strip of land not exceeding 65 feet, and never exceeding 100 feet in width. . . When the valuation of second-class railroad property has, by a proper tribunal of review, been adjusted to the standard of the value adopted by the local assessors in each taxing district, there is no reason why it and the property of individuals

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should be taxed for the same purposes at different rates. Let the railroad tax law be amended so that second-class property be assessed at local rates. . . .

The main lines of railroads constitute a species of property particularly adapted to taxation by the state so long as the state needs the revenue. . . . 17 Ja 05, p.9-11

- k Or. Chamberlain. ". . . I heartily join with [the Secretary of State] in the recommendation that an act be passed at this session to compel these companies [parlor car, express, telegraph, telephone] owning valuable privileges and operating at a large profit, to pay a fair proportion of the expenses of government. A tax upon the gross earnings, as in the case of insurance companies, would . . . in all probability be the simplest and best method of taxation."

11 Ja 05, p.9

- m W. Va. White. ". . . I would recommend, as I did two years ago, that a tax of 1% be laid upon the gross incomes of all railroad and street railway corporations in this state. . . ." 11 Ja 05, p.20

- n Wis. La Follette. "The present system of taxing electric railway and electric lighting companies should be abrogated and the ad valorem system substituted therefor. The assessment of their property should be made by the State Board of Assessment, the local rate should be applied thereto by the local authorities and the taxes accruing therefrom should go to the municipalities in which they are located. . . ."

12 Ja 05, p.12-16

- p Wis. La Follette. Telegraph and telephone companies should be taxed on the value of their property as assessed by the State Tax Commission.

12 Ja 05, p.16-17

846

Mining

- a Ari. Brodie. "The most reliable information gained from all parts of the territory where mines are in operation shows that the last year's production of all mines in Arizona was \$38,700,000. In the pursuance of this profitable vocation, mining companies pay to the territory no tax on the production of their mines. Their taxation ends with the limitation of their land and improvement assessment. . . . A very small tax on the gross output of mines would yield to the territory an aggregate sum commensurate with that industry's importance among those other varied industries which have always borne their share of taxation. . . ." 16 Ja 05, p.8-9

- b Pa. Pennypacker. "The large deposits of coal, anthracite and bituminous, which underlie the valleys and mountains of this state, are being shipped in profusion over the world where they become the foundations of industries and bases of wealth, or are wasted in harmful wars in South Africa or Manchuria, with which we have no sympathy. One of these days, the deposits will have been exhausted. . . . I suggest that you consider the propriety of imposing a slight tax upon each ton of coal mined, so small in amount that it would not prove burdensome to consumers or interfere with trade. . . ."

3 Ja 05, p.11-12

- c **W. Va. White.** "The Tax Commission proposed as a revenue measures certain license taxes on the production of oil, gas and coal . . . If any license tax for state purposes is to be laid on the oil and gas interests, after all state taxes are abolished, I renew my recommendation of two years ago and subsequently, that in 1907 it take the form of a tax of 1% on the gross receipts of all pipe lines . . . It has seemed to me that the coal industry of the state . . . surely would not object to a small inspection tax upon the commercial lines, say of \$100 a year for mines of a certain size, and \$150 or more for mines of a larger size, which should be a fixed tax, and would produce enough revenue to the state to maintain the mine inspectors bureau and a fair portion of the expenses of maintaining the three miners hospitals. . . ." 11 Ja 05, p.21

Customs

- a **Mass. Douglas.** ". . . To determine, as accurately as possible, the nature and extent of the great injury which, as I believe is inflicted upon our commonwealth by excessive tariff taxes; to suggest a remedy or remedies; and to put this knowledge before our citizens and our representatives in Congress, I ask of the General Court authority to appoint a commission to inquire into and report upon the effect of the present tariff laws upon Massachusetts industries. . . ." 5 Ja 05, p.13-14

Budget

See also 2575. Local finance

- a **Ari. Brodie,** 16 Ja 05, p.2-3. **Ark. Davis,** 11 Ja 05, p.45-47. **Cal. Pardee,** 2 Ja 05, p.6-19. **Col. Peabody,** 6 Ja 05, p.17. **Ct. Roberts,** 4 Ja 05, p.4-9. **Del. Hunn,** 3 Ja 05, p.5-11. **Fla. Broward,** 4 Apo5, p.4-20. **Ill. Yates,** 4 Ja 05, p.4-5. **Ind. Durbin,** 6 Ja 05, p.10-17. **Ind. Hanly,** 9 Ja 05, p.10-13. **Mass. Douglas,** 5 Ja 05, p.5-6. **Mich. Bliss,** 5 Ja 05, p.8-11. **Mich. Warner,** 5 Ja 05, p.3-6. **Minn. Johnson,** 4 Ja 05, p.4-5. **Mo. Folk,** 9 Ja 05, p.15. **Mon. Toole,** 2 Ja 05, p.12. **Neb. Mickey,** 5 Ja 05, p.10-12. **Neb. Mickey,** 5 Ja 05, p.24-29. **Nev. Sparks,** 16 Ja 05, p.5-6. **N. H. McLane,** 5 Ja 05, p.3. **N. J. Murphy,** 10 Ja 05, p.3-5. **N. J. Stokes,** state revenues and business companies, 17 Ja 05, p.4-8. **N. M. Otero,** 16 Ja 05, p.6-7. **N. Y. Higgins,** 4 Ja 05, p.4. **N. C. Glenn,** 11 Ja 05, p.14-16. **N. D. White,** 4 Ja 05, p.3-13. **Okl. Ferguson,** 10 Ja 05, p.4-5. **Or. Chamberlain,** 11 Ja 05, p.3-9. **Pa. Pennypacker,** 3 Ja 05, p.1. **R. I. Utter,** 5 Ja 05, p.4-5. **S. C. Heyward,** 10 Ja 05, p.3. **S. D. Elrod,** 3 Ja 05, p.9. **S. D. Herreid,** 3 Ja 05, p.16-17. **Tenn. Frazier,** 3 Ja 05, p.1. **Tenn. Frazier,** 3 Ja 05, p.12. **Tex. Lanham,** 12 Ja 05, p.6-9. **U. Cutler,** 10 Ja 05, p.5-8. **Vt. McCullough,** 6 O 04, p.3-8. **Wash. McBride,** 11 Ja 05, p.3-4. **Wash. Mead,** 11 Ja 05, p.12-13. **W. Va. White,** 11 Ja 05, p.4-5. **Wis. La Follette,** 12 Ja 05, p.3-5. **Wy. Brooks,** 11 Ja 05, p.5-7.

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- b Col. Adams. "Six years ago today I gave to the Legislature an epitome of the financial affairs of the state. A comparison will show that in that brief period the taxes collected and spent have doubled, without a corresponding increase in population or wealth. When a business man's expenditures double without adding to his capital, it is time he changed his methods. . . . Every Legislature in Colorado's history has spent the full limit of taxes allowed by the Constitution. The assessed valuation of property is nearly twice as great as in 1897-1900; and yet the levy remains at 4 mills. Every Legislature spends every dollar the law allows. . . . "10 Ja 05, p.3-4
- c Me. Cobb. "I recommend . . . that the state tax be reduced from $2\frac{3}{4}$ mills to $2\frac{1}{4}$ mills. . . ." 5 Ja 05, p.9
- d Mass. Douglas. Special message relating to state finances. 21 Mr 05, 14 p.
- e S. C. Heyward. ". . . In 1903 the General Assembly. . . appointed a committee to consider 'how best to put the state upon a cash basis, what additional sources of revenue for the state are available, and what changes should be made in existing laws for the assessment and collection of taxes.' This committee reported at your last session, making several recommendations, the only one adopted, however, being a license tax upon all corporations. . . if the expenditures are the same as last year, there will again be a deficiency, with no provision made to place the state upon a cash basis." 10 Ja 05, p.3-4
- f S. D. Herreid. "The following comparative statement of the rate of taxation for all state purposes is for the year 1904:
- | | | |
|-------------------|------|-------|
| South Dakota..... | 3 | mills |
| Minnesota..... | 2.73 | mills |
| Iowa..... | 3.5 | mills |
| North Dakota..... | 5.5 | mills |
| Illinois..... | 5.5 | mills |
| Nebraska..... | 6 | mills |
| Wyoming..... | 6 | mills |
- As the valuation of property in Minnesota and some of the other states is much higher than in South Dakota it appears that the burden of taxation in this state is much less than in any other state in the northwest." 3 Ja 05, p.42-43
- g Tex. Lanham. ". . . Under the act approved February 19, 1900, the tax rate was fixed at $16\frac{2}{3}$ c, and since then we have been operating under that rate. It has been demonstrated that with the constantly increasing expenditures required to maintain the government and under the valuations of property and methods pursued in listing for taxation, the revenues received are inadequate to meet the demands upon our treasury. . . I recommend . . . that for 1905 there shall be levied . . . an ad valorem tax of 25c, annually thereafter an ad valorem tax of 20c on the \$100." 12 Ja 05, p.8

851

Appropriation. Limit of expenditure

- a** Col. Peabody. ". . . The appropriations of the General Assemblies are made for and extend only through the period of two fiscal years, consequently the appropriations are made, ending on November the 30th. At the end of the biennial period, from November 30th to April of the following year, there is no provision by the Legislature for current expenses for the maintenance of the executive, legislative and judicial departments of the state government. . . . It would seem, therefore, advisable for you to either make an appropriation covering the expenses of the three departments of state as a continuing appropriation, or else have the general appropriation bill applicable from April 1st to April 1st of the second succeeding year thereafter, or appropriate from the revenue of 1907 sufficient amounts to supply these departments with funds during the months of December, January, February and March, thereby providing funds for the use of these departments and preventing the necessity of the heads of these several departments being compelled to contract debts for stationery, postage, clerk hire, stenographers and similar necessary expenses, in absolute violation of the constitutional provision." 6 Ja 05, p.5
- b** Mich. Bliss. "Legislation is needed that will turn into the public treasuries all fees collected by officials, whether they be state, county or municipal. . . . To partly illustrate the point in question, take the game and fish department of the state. With the exception of the salary of the warden and the chief deputy, the expense of administering the game and fish laws is defrayed out of moneys derived from license fees. The state should make a direct appropriation for this work, and the Legislature should be the judge as to how much should be thus expended. As it is, the amount of work done depends upon the sum received on account of licenses. This is not business-like and is not satisfactory." 5 Ja 05, p.13-14
- c** W. Va. White. "Another recommendation . . . is to amend section 4 of chapter 16 of the acts of the special session, in regard to the officer . . . who shall incur an obligation or indebtedness not expressly authorized by law . . . by making such an act a misdemeanor punishable by imprisonment, and the party or parties offending removable immediately from office. . ." 11 Ja 05, p.17
- d** W. Va. White. ". . . In connection with the deficiencies which unexpectedly arise from inadequate appropriations, and other emergencies which develop from time to time, I renew my recommendation of two years ago that the Board of Public Works should be furnished with an emergency appropriation of at least \$20,000, any portion of which could only be used for an emergency and upon the unanimous vote of the members composing the board." 11 Ja 05, p.79

FINANCE

853 Accounts. Methods generally. Collection of moneys. Warrants

See also 2575, Local finance

- a Ill. Deneen. "I believe it would be an advantage to our state to have a uniform system of bookkeeping. . ." 9 Ja 05, p.8
- b Mass. Douglas. "I recommend that a small sum be placed at the disposal of the Governor and Council for an investigation of the commonwealth's method of bookkeeping and accounting by an expert, familiar with modern methods." 5 Ja 05, p.37

854 Collection of state claims and revenue

- a Ind. Durbin, 6 Ja 05, p. 40. Mich. Bliss, Spanish-American War claim, 5 Ja 05, p.19. Nev. Sparks, Nevada War claims, 16 Ja 05, p.7-10. Tex. Lanham, state revenue agent, 12 Ja 05, p.13. Vt. McCullough, claims against the United States, 6 O 04, p.8-9. W. Va. White, 11 Ja 05, p.28. Wis. La Follette, Civil War claim, 12 Ja 05, p.8.
- b N. M. Otero. "I recommend that a law be enacted providing that all receipts for taxes and miscellaneous collections from all sources be made in triplicate, one to the office paying, one for filing with the county clerk, and the triplicate for the office record. . All such receipts should be issued from the office of the Traveling Auditor to the different county treasurers, to be consecutively numbered and to be countersigned by the said Traveling Auditor and not to be valid unless so numbered and countersigned. . ." 16 Ja 05, p.13

855 Claims against state

- a Cal. Pardee, 2 Ja 05, p.42. Nev. Sparks, 16 Ja 05, p.17-18.

856 Examination and audit

- a Col. Peabody. ". . . A traveling auditor [should] be retained to check the accounts of state institutions at stated intervals. The power of such an official should also apply to departments of the state government, for which no examination is at present properly provided. . . . I find . . . that there is no legal right vested in the Governor or other official to appoint a special examiner to investigate the books and accounts of any of the various state officers and departments, or the various bureaus and boards in connection therewith, other than the semiannual examination of the offices of the State Treasurer and State Land Board, and the biennial examination of the State Auditor's office, and that of the State Treasurer. . ." 6 Ja 05, p.4
- b Col. Peabody. ". . . I believe it would be better to impose the duties as secretary of the Auditing Board upon the Printing Com-

missioner, for the reason that he is in a better position to give his attention to this service. . . ." 6 Ja 05, p.15

- c Ill. Yates. ". . . It is probable that the election or appointment of a State Inspector, or State Board of Accountants, empowered to examine all departments and offices, and officers, under a uniform and thorough system, might save more money to the state than is now being saved. . . I recommend legislation providing for either a Board of State Accountants, as provided for in the bill of two years ago, or a Chief Inspector of Accounts." 4 Ja 05, p.3

- d Kan. Hoch. "Serious charges having been made in the public prints, which are of great public notoriety, concerning the business interests of the state, I invoke the aid of the Legislature, that a thorough and impartial investigation of the public records be made and the real facts ascertained. . . I think it may safely be said, that whatever may be the facts as to the more serious matters, the system of public accounting in state departments is very imperfect and needs improvement. . . ." 10 Ja 05, p.2

- e Mich. Bliss. Recommendation renewed for a uniform method of auditing expenses incurred on behalf of the state, and more comprehensive auditing powers over state institutions. 5 Ja 05, p.24

- f Mich. Warner. ". . . I suggest the granting to the Auditor General of greater powers in connection with the accounts of . . . institutions. I recommend that the Auditor General be required to report monthly to the Governor any receipt or expenditure by any state institution, state department, or any public official required to file vouchers with the Auditor General, which, after careful examination by him, shall bear evidence of improper or injudicious business methods. . . ." 5 Ja 05, p.4

- g Neb. Mickey. "The experience gained in the past two years serves to confirm my judgment as expressed in my previous inaugural address, recommending the creation of the position of state accountant. . . ." 5 Ja 05, p.21

- h N. M. Otero. "I urge very earnestly that this legislative assembly appoint a committee or committees to investigate every territorial office and the management of every territorial institution and board. . . ." 16 Ja 05, p.30

- i U. Cutler. ". . . At present the law provides that it is the duty of the State Auditor to inspect, in his discretion, the books of any person charged with the receipt, safe-keeping, or disbursement of public moneys. . . I recommend that the law be amended (section 2421, 14) by striking out the words 'to inspect, in his discretion,' and inserting in lieu thereof the words, 'to audit at least once a year.' " 10 Ja 05, p.8

- j Wis. La Follette. ". . . It is . . . recommended that the Commissioner of Banking be required by law, once in three months or oftener if required by the executive, to examine the accounts of each officer and state department receiving state moneys or making expenditures thereof, and also the accounts of the charitable and penal

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institutions of the state, the normal schools and the state university, and immediately thereafter make full report thereof to the Secretary of State. . . The accounts of the Commissioner of Banking should also be examined and reported upon in the same manner but by some officer or person other than himself. . ."

12 Ja 05, p.8

857

Financial officers

See also 55, State examiner; 2588, Local finance

858 State auditor. Comptroller

a Ari. Brodie, 16 Ja 05, p.17. Okl. Ferguson, 10 Ja 05, p.14. Tex. Lanham, 12 Ja 05, p.13. U. Cutler, 10 Ja 05, p.8. Vt. McCullough, 6 O 04, p.7.

b H. M. Otero. "Under the present law, the Territorial Auditor is required to give a bond to the territory in the sum of \$100,000. . . I recommend that the law be amended so as to require a bond in the sum of \$25,000."

16 Ja 05, p.11

859 State treasurer

a Ari. Brodie, 16 Ja 05, p.17. Neb. Mickey, 5 Ja 05, p.19-20. Okl. Ferguson, 10 Ja 05, p.15. Tex. Lanham, 12 Ja 05, p.13. W. Va. White, 11 Ja 05, p.6-8.

b S. D. Elrod. "The salary of the State Treasurer should . . . be increased. . ."

3 Ja 05, p.9

860

Fiscal year

a Mass. Douglas. "I renew the recommendation of my predecessor that the date of closing the financial year be changed from December 31 to September 30. . ."

5 Ja 05, p.37

863

State institutions

a Neb. Mickey. "During the past biennium, at the suggestion of this department, a uniform system of bookkeeping has been established in all the state institutions, the result of which is most satisfactory. . ."

5 Ja 05, p.9

865

Debts. Bonds

See also 2597, Local finance

a Ari. Brodie, 16 Ja 05, p.12. Col. Peabody, 6 Ja 05, p.4. Fla. Broward, 4 Ap 05, p.15. Ind. Durbin, 6 Ja 05, p.11-13. Ind. Hanly, 9 Ja 05, p.9-10. N. H. McLane, 5 Ja 05, p.4. N. Y. Higgins, 4 Ja 05, p.3-4. N. D. White, 4 Ja 05, p.9-13. Or. Chamberlain, 11 Ja 05, p.4-5. R. I. Utter, 5 Ja 05, p.6. S. C. Heyward, 10 Ja 05, p.6. S. D. Herreid, 3 Ja 05, p.17. Tenn. Frazier, 3 Ja 05, p.13. W. Va. White, Virginia state debt certificates, 11 Ja 05, p.78.

b Mass. Douglas. "The state debt is now too large; it should not be increased for any but the most extraordinary purposes."

5 Ja 05, p.6

- c **Mass.** Douglas. Recommends that expense of new buildings and repairs be defrayed without recourse to loans. 21 Mr 05, p.6-7
- d **Minn.** Van Sant. "It is . . . gratifying to reflect upon the fact that to erect this magnificent structure [new capitol] not one dollar of bonded indebtedness has been incurred." 4 Ja 05, p.3
- e **S. C.** Heyward. "On December 19, 1904, the Supreme Court of the United States affirmed the decision of the United States Circuit Court, in the case of Lee against Robinson, and declared the revenue bond scrip of this state to be void. Under the act of March 2, 1872, \$1,800,000 of this scrip was issued. . . By this decision the state is forever relieved of the liability to redeem the \$1,800,000 of scrip outstanding, and a menace to her finances has been removed. . ." 10 Ja 05, p.6
- f **S. D.** Herreid. "In September, 1901, Simon Schaffer, of New York, through Hon. Charles H. Burke, made to the state of South Dakota, a donation of 10 bonds, issued by the state of North Carolina, with accrued interest, amounting to \$27,400. The bonds were delivered with the intimation that the donor 'would be pleased if the Legislature of South Dakota would apply the proceeds . . . to the State University or to some of its asylums or other charities' . . . Prior thereto the Legislature had enacted a law making acceptance mandatory. . ." 3 Ja 05, p.41

Deposits and depositories

See also 2600, Local finance

- a **Cal.** Pardee. "The state of California pursues a policy different from that of a majority of the states by keeping public funds in its own vaults, thereby locking up a large amount of money, instead of making deposits in the banks. By following the deposit plan the money is permitted to circulate in the channels of trade until needed to meet claims against the treasury. . . It was a step in the right direction when the law was passed, some years ago, making state and county taxes payable in two instalments instead of one, because this reduced the amount of money locked up at any one time. . . The ordinary interest rate on daily balances paid by the banks is 2%, and on \$4,000,000 this would amount to \$80,000 a year—enough to sustain one of the state institutions. . ." 2 Ja 05, p.10-11
- b **Id.** Gooding. "The republican party stands pledged . . . to pass a law at this session that will give the state and the counties every penny of interest earned by its money. . ." 5 Ja 05, p.21
- c **Kan.** Hoch. "This Legislature will doubtless be asked to establish a public depository, or a system of depositories, where public funds shall be placed upon interest for the benefit of the state. . . Two plans are proposed: one for the establishment of a state depository in which the interest upon the money therein deposited shall accrue to the state; and the other providing that the semiannual remittances from the various county treasurers to the State Treasurer

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shall be held in county depositories until the State Treasurer shall need the money, counties thus withholding their remittances to receive the benefit of the interest on the money withheld as well as upon the sums already generally deposited in the local banks. . . . Missouri received in interest from its state depository last year the handsome sum of \$42,768.61. . . ."

10 Ja 05, p.4

- d N. D. White. ". . . Our present law regulating . . . depositories should be amended in several particulars. The provisions of that law for the examination of the treasurer's office by the State Board of Auditors is inoperative and should be stricken out, and other means substituted. The provision limiting the amount deposited in a designated bank to the assessed value of its capital stock, is not complied with. . . . A more practical limit would be a certain per cent of its capital stock, surplus, and undivided profits. . . . The law should provide, too, that when a bank has been designated by the State Board of Auditors as a state depository, it is entitled to and shall receive as nearly as possible a pro rata share of the state deposits. Each state depository should be required to file with the State Auditor before the 15th of each month, a statement of the daily balance of the preceding month and remit to him the amount of the interest due. All money, checks, drafts or other funds belonging to the state or held in trust by the state, coming into the hands of the State Treasurer, should be immediately deposited in the state depositories and the treasurer relieved from liability for loss of all funds so deposited. . . ."

4 Ja 05, p.16-17

- e Okl. Ferguson. "The problem of territorial depositories is a hard one to solve. . . . The legislator who can devise an absolutely safe depository law and ways and means to comply with it would be a public benefactor, not only to the territory but to the states as well, where this matter is still an unsolved problem. At best it is an experiment attended by dangers. If surety bonds are taken and a loss occurs, the companies almost invariably resist payment if the amount of the liability is large. If territorial warrants or the municipal securities are taken, there is always some danger of the loss of the securities."

10 Ja 05, p.15-17

- f S. D. Elrod. ". . . Some arrangement should be made whereby a certain portion of the surplus money in the state treasury should be loaned to reputable and responsible banks within this state, and the interest received therefor, on daily balances, should be (by the banks) turned into the state treasury."

3 Ja 05, p.9

- g U. Cutler. ". . . A system which enables any custodian of public funds to accept employment nominally as clerk or official in some institution and receive a salary therefor, while the real consideration for payment of such salary is the use of public funds, is pernicious in the extreme, and is violative of the spirit of the Constitution. In conducting public business in this state, payment is made by a system of warrants. These warrants draw interest from the public treasury under certain conditions. For illustration, if pre-

sented to a county treasurer, when drawn against a county fund, and registered and stamped 'not paid for want of funds,' they draw interest at 5%. This makes it possible that county and other warrants may draw interest, when at the same time money belonging to those funds may have been lying in the banks. . . I recommend as to the depositing of state and other funds, that the law should provide that it be under a board, either of loan commissioners or otherwise as you in your wisdom may designate, who shall exercise discretion as to the safety of the place of deposit, and shall let the public know the terms thereof, and the benefit to go to the various funds on deposit; that in counties the power be vested directly in the boards of county commissioners; in cities in the city councils or finance committees thereof; and in school districts in the various school boards, each to exercise its discretion and make its action a matter of public record. . ."

10 Ja 05, p.9-10

- h W. Va. White. "The recommendation [of the State Treasurer] as to reducing the number of state bank depositories to 25 is an excellent one and I indorse it. . ."

11 Ja 05, p.6

- i Wis. La Follette. "Existing laws are wholly inadequate to insure the safe-keeping and integrity of the funds and securities of the state in the state treasury. . . It will be admitted by all that the unlimited power to dispose of the funds and securities of the state ought not to be lodged in a single individual or officer. . ."

12 Ja 05, p.5-7

870

Public order

See also 234, Crimes and offenses

872

Police

874

State and county police

- a Ari. Brodie, Arizona rangers, 16 Ja 05, p. 20. Tex. Lanham, the ranger force, 12 Ja 05, p.14.
- b N. M. Otero. "I have been urged by stockmen to recommend the passage of a ranger law, whose duty it shall be to patrol the ranges, to prevent the theft of stock and to aid in the apprehension of criminals. . ."
- 16 Ja 05, p.28
- c Pa. Pennypacker. "An act of February 27, 1865, provided that any corporation owning or using a railroad might apply to the Governor to commission such persons as the corporation should designate to act as policemen for said corporation. . . The system thus established has grown by subsequent legislation and now railroads, collieries, furnaces, rolling mills, coal and iron companies, corporations for the propagation of fish, and many other corporations have their force of policemen exercising the authority of the commonwealth. . . The system is objectionable upon principle. . . Where police are selected, paid and discharged by the corporations

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and bear the name of 'coal and iron police,' it is evident that they are in effect the servants of their employers rather than of the commonwealth whose authority they exercise. The arrest and incarceration of a citizen for breach of law is one of the most fundamental and delicate of the functions of sovereignty, and the protection of property and the prevention of breach of the peace and disturbance are among the most important of its duties. . . . It would be well for you to consider whether the time has not arrived for the state to resume these functions and to authorize the appointment by the Governor of a constabulary of sufficient force, say 10 in each county, to be used wherever needed in the state in the suppression of disorder. They could be utilized in the place of the corporation police, the game wardens, fish wardens, forest wardens, the officers of the different boards and commissions exercising police authority, and would enable the executive in cases of emergency to 'take care that the laws be faithfully executed.' It is doubtful whether the expense of a regular constabulary would, upon the whole, be greater than the occasional calling out of the National Guard, which it would at times obviate. . . ."

3 Ja 05, p.8-9

875

Municipal police

- a **Mass.** Douglas. "In 1885 a departure was made from the time-honored and successful system of local self-government, and the control of its own police was taken from the city of Boston and vested in a commission appointed by the Governor. The assumption of this power by the commonwealth has resulted in no good to it, or to any party in it, and the commonwealth should acknowledge the fact. I recommend a return to the principle of home rule by the enactment of a law restoring to Boston and Fall River, respectively, the control of their own police forces." 5 Ja 05, p.8

- b **Mo. Folk.** ". . . . The police departments of St Louis, Kansas City and St Joseph are controlled as an arm of the state by boards appointed by the Governor. This has been the system in our state for more than 40 years, and changes that are made should only be after due consideration and close study of this serious problem. . . .

Whether there be any change in the method of selecting the commissioners or not, the police departments in all the cities should be put under civil service rules by law. . . ." 9 Ja 05, p.9-10

877

Miscellaneous police regulations

See also 256, Crimes against public order and security; 264, Crimes against public morals and the family; 1065, Nuisances; 1090, Public safety

879

Amusements

Relating chiefly to restricted amusements

887 Poolselling. Bookmaking etc.

- a **Mo. Folk.** "The state should not license gambling in any form, whether it be a lottery or poolselling on horse races, and the per-

nicious effect on public morals is not lessened by requiring a fence to be put around the place where the racing is carried on. . ."

9 Ja 05, p.13

- b Mo. Folk. Recommends repeal of law licensing pools on horse races in certain places for benefit of state fair. 7 F 05, p.3-4

895 Cruelty to children and animals

- a Col. Peabody. State bureau of child and animal protection.

6 Ja 05, p.11

896 Cruelty to animals

- a Fla. Broward. "I recommend that the law for the prevention of cruelty to animals be so amended as to prohibit shooting tame, live pigeons for sport."

4 Ap 05, p.48

900 Intoxicating liquors. Narcotics

- a N. C. Glenn, 11 Ja 05, p.12.

902 Prohibition

- a Kan. Hoch. ". . . Prohibition has now been a part of the organic law of this state for 24 years, and while there are honest differences among good people of its wisdom, and while it has been defective in operation, its benefits must be conceded. The conditions are not all that good citizens desire everywhere in the state, but, with all of its defects in operation, the conditions are much better here than in states sustaining a different attitude toward the subject. . ."

10 Ja 05, p.14

- b Me. Cobb. ". . . The estimate in which the prohibitory law is held in certain parts of the state, and by many of our citizens, is working an incalculable injury to the forces that make for law and order. A disrespect and disregard for all law is being nurtured that if allowed to grow unchecked and unassailed will weaken and destroy the very foundations of good movement. . . This law must be enforced in order that all law may be vindicated, and to the performance of this duty every man, irrespective of party but united in the interests of good citizenship, may well direct his energy and influence. The task is not an easy one, and the practical difficulties that stand in the way of its accomplishment should be neither ignored nor underestimated; but an aroused and determined public sentiment standing for order and respect of law can force officials to do their duty, or failing in this, can fill their places with those who will."

5 Ja 05, p.13-14

903 Dispensaries

- a S. C. Heyward. ". . . I . . . recommend that the various county county of control should be appointed by the State Board of Directors. Two members of this board

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to be appointed upon the recommendation of the legislative delegations, the other member upon the nomination of the mayor of the county seat. . . This board should elect the various county dispensers, but these dispensers should be subject to removal by the State Board of Directors, for cause.

The State Commissioner should, in my judgment, be the officer whose duty it should be to purchase all supplies for the dispensary. . .

The general supervision and management of all county dispensaries should be in their [State Board of Directors] charge, and they should be specifically charged with the duty of seeing that all restrictions governing the various dispensaries should be strictly enforced. . .

I further recommend that the law as to the location of county dispensaries be amended to restrict them to such incorporated towns and cities as, in the opinion of the county board of control, furnish adequate police protection to the public against disturbances of the peace. . .

Where popular sentiment favors the dispensary law, there is, of course, very little work for the constabulary to do, but in other localities exactly the reverse of this is true. . .

There are few in Charleston who favor the dispensary, which, although it has been in operation for more than a decade, is strongly opposed, and has made but few converts. . . Trials by juries have proven ineffectual, and the resources of the law have been appealed to, time and again, but the illegal sale of liquor continues. . .

The Chief Constable calls my attention to the fact that he is much hindered in the general enforcement of this law by the existence of so called 'social clubs,' etc. I recommend that the laws governing the granting of such charters be amended, so that they shall not be granted until 60 days' published notice has been given, and that the Secretary of State be given authority to refuse such charter upon an affidavit by the Chief State Constable that he has reason to believe that the applicants intend to violate the dispensary law. . ."

10 Ja 05, p.15-16, 18-19

- b **W. Va. White.** "There has been considerable discussion of late about the propriety of West Virginia adopting a state dispensary system similar to that of South Carolina. I am not favorably impressed with the practical workings of that system, nor do I think the time is propitious for enacting such a radical change in our license tax system as this would be. . ."

11 Ja 05, p.26

904 **Local option**

- a **Del. Hunn.** Recommendation renewed that provision be made for local option.

3 Ja 05, p.15-16

- b **Ind. Hanly.** Amendment of local option law recommended.

9 Ja 05, p.23-26

- c **Mass. Douglas.** "Under existing law each city and town decides whether liquor shall or shall not be sold within its limits, and the application of this principle could well be extended so as to include the right of decision by the voters in the several cities and towns of the

hours in which innholders therein can serve intoxicating liquors to their guests." 5 Ja 05, p.9

- d N. H. McLane. "The law entitled 'An act to regulate the traffic in intoxicating liquors,' approved March 27, 1903, created a new condition in this state as regards the sale of intoxicating liquors. . . I am convinced that there are very few who would advocate a return to the conditions that existed prior to the passage of the present law. . . ." 5 Ja 05, p.18

- e N. Y. Higgins. "The right to determine by popular vote whether trafficking in liquors shall be permitted in a locality, is now limited to the towns of the state. It is, in my judgment, worthy of the consideration of the Legislature whether this right of local option should not be extended to cities and the divisions thereof." 4 Ja 05, p.18

- f S. C. Heyward. "At your last session there was enacted a law giving to counties which desire prohibition the right by a majority vote to close their dispensaries, and upon the taxable property of all counties so voting it was required that there be levied an annual tax of $\frac{1}{2}$ of 1 mill, this tax to be expended by the Governor in enforcing the law, should the local authorities fail to do so. Objection has been made to this law on account of the tax imposed, it being contended that it is in the nature of a penalty, its effect being to deter the people from voting for the removal of dispensaries. I do not agree with this view. If prohibition be substituted for the dispensary law, then prohibition should be enforced, and when this can not be done through the sentiment of the people, expense must certainly be incurred. . . ." 10 Ja 05, p.17

- g Vt. McCullough. "The general sentiment of the state seems to be that local option should be given further trial. In many instances it has so far resulted in practical prohibition. I would recommend that the vote on license or no license should not be taken in any town or municipality oftener than once in three or five years." 6 O 04, p.18

907

Liquor licenses

- a N. Y. Higgins, 4 Ja 05, p.17-18.

- b Ind. Durbin. "The growing disposition of many of those engaged in the retail liquor traffic to place the saloon in the attitude of a law breaker and a center of vice and crime may be corrected to a large degree at least by making the saloon keeper more directly responsible to the public sentiment of his community. I suggest the advisability of placing the onus of securing a petition for the granting of a license bearing the names of a majority of the legal voters of a ward or township upon the applicant for license, and that authority be vested in each Circuit Court to revoke the license of any saloon within its jurisdiction whenever it is made to appear that the conduct of such saloon is contrary to law and a menace to the peace and order of the community." 6 Ja 05, p.7-8

- c Wash. Mead. "The neglect, which amounts to refusal, on the part of a number of incorporated cities and towns to pay to the state the

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portion of municipal liquor license fees exacted by the state law works a serious depletion of the state's legitimate revenues. . ."

11 Ja 05, p.28

908 Excise boards

- a Mo. Folk. "The compensation of the Excise Commissioner is out of proportion to what is paid other public officials. He should be put on a reasonable salary and all fees paid into the state treasury."

9 Ja 05, p.14

910 Regulations and restrictions

See also 149, Election offenses

911 Minors. Persons to whom prohibited

- a Fla. Broward. ". . . I . . . recommend that the sale of . . . liquor to the Seminole Indians be prohibited by law. . ."

4 Ap 05, p.48

912 Restricted localities

- a N. M. Otero: ". . . I would suggest that a law be enacted which will prohibit the manufacture and sale of vinous, spirituous and malt liquors within 5 miles of any government reservation used for sanatorium purposes, and provide a suitable penalty for infraction thereof. In the same line, I would suggest legislation, which will prohibit the granting of saloon licenses in precincts with less than 500 inhabitants, as a saloon in so small a community can certainly not be maintained legitimately and must resort to methods for profit that are utterly unworthy of law and order and good morals and increase crime."

16 Ja 05, p.25

918 Wine. Cider

- a Ark. Davis. Law regulating growing and sale of wine should be revised.

11 Ja 05, p.28-30

926 Opium, cocaine etc.

See also 953, Sale of drugs

- a Okl. Ferguson. "The Board [of Pharmacy] also calls attention to the sale of cocaine. . . I . . . recommend legislative action. . ."
- b W. Va. White. "Stringent legislation regulating and preventing the indiscriminate sale of cocaine, 'dope,' and similar drugs should be enacted. . ."

10 Ja 05, p.22

11 Ja 05, p.50

927 Mob violence

- a Ind. Hanly, growing respect for the law, 9 Ja 05, p.20. W. Va. White, 11 Ja 05, p.62.
- b Col. Adams. "Lawbreaking, disregard for the statutes, is the heaviest tax that can be imposed upon industry, labor or property. Good government requires but two things—first, a good code of laws, and then a people who will uphold and abide by them. I have firm faith that existing laws fairly administered will be adequate to right

every wrong. Adherence to the law is the best cure for most of the evils that can infest a state. Where official and citizen respect the law, there can be no necessity for extra constitutional measures to preserve peace and order. . . ." 10 Ja 05, p.4

- c Ind. Durbin. "Lynchings and similar manifestations of the mob spirit have been unknown in Indiana during the past 18 months. . .

The Indiana antilynching law, providing for the forfeiture of office by any sheriff failing to offer proper resistance to any mob seeking to seize a prisoner, is a salutary one, and doubtless in the Evansville case had been the cause of the removal of the negro to a place of safety. . . ." 6 Ja 05, p.38

- d N. C. Glenn. "During my term of office, by trying always to provide for the speedy trial of those charged with heinous outrages, every effort will be made to discourage mob law, and lynchings will never be permitted if it is possible for the strong arm of the law, with all the powers at its command, to prevent it. . . ." 11 Ja 05, p.14

- e S. C. Heyward. ". . . Since your last meeting I have had, on several occasions, to order out troops for the protection of prisoners . . . The services of the militia should never be called upon until the civil authorities shall have exhausted every means in their power to uphold the law. I am firmly convinced that, were this stand taken, calls upon the Governor for the services of the militia to protect prisoners would cease entirely. . . . the Governor is practically powerless where the details of the enforcement of law are concerned, for the reason that he has no power to compel an officer to do his duty . . . I am of the opinion that this should be remedied by such legislation as would inflict a penalty for neglect of such duty, the penalty to include removal from office of the offender when such extreme measures are rendered necessary for the proper vindication of the law.

Offenders should be made to understand the fact that no expense will be spared to bring them to punishment. I asked last year for a special fund to suppress lynching, and though none was provided, I felt it my duty, nevertheless, to make an attempt, in each and every lynching that has occurred, to uphold the dignity of the state in endeavoring to bring the offenders to justice. . . ." 10 Ja 05, p.20-21

- f U. Cutler. "I am of the opinion that a fund should be placed at the disposal of the Governor, to be used in case of riot, or insurrection. . . ." 10 Ja 05, p.35

- g W. Va. White. Recommendation renewed for legislation to prevent lynchings. 11 Ja 05, p.27-28

- a N. M. Otero. ". . . What is known in general terms as the 'Sunday law' is very properly enforced in some localities in this territory but not in others. . . Each locality should be treated alike, and if the present law is weak in any particular, you should remedy it, so that there can be no question whatever as to the intent of the Legislature." 16 Ja 05, p.24

930

Public health and safety

932

General supervision

See also 2160, Sick and disabled

- a **Ari. Brodie**, 16 Ja 05, p.18, 26. **Cal. Pardee**, 2 Ja 05, p.39. **Col. Peabody**, 6 Ja 05, p.11. **Del. Hunn**, 3 Ja 05, p.20. **Minn. Johnson**, 4 Ja 05, p.16. **Okl. Ferguson**, 10 Ja 05, p.22. **Tex. Lanham**, 12 Ja 05, p.15. **U. Cutler**, 10 Ja 05, p.24. **W. Va. White**, 11 Ja 05, p.69-70.
- b **Pa. Pennypacker**. "Such legislation ought to be adopted as will aid in ensuring the maintenance of the health of the people by providing adequate means for the prevention of the pollution of the streams and water supplies, the prevention of the spread of typhoid fever, diphtheria and similar diseases through the dissemination of their germs, and providing for the registration of births, deaths and cases of contagious and infectious diseases. The present system, which imposes upon the boards of school directors in many counties the duties of local boards of health, is inadequate and needs revision." 3 Ja 05, p.19
- c **S. C. Heyward**. ". . . I believe that more efficient service could be rendered were the Board [of Health] empowered to elect a physician, as an executive secretary, giving this officer such salary as would enable him to devote his entire time to matters concerning the public health. . . ." 10 Ja 05, p.25

934

Local boards and officers

- a **Ill. Yates**. ". . . Legislation making the creation of boards of health in cities and villages mandatory, is much to be desired." 4 Ja 05, p.21
- b **U. Cutler**. "It is a matter of regret that 75% of the health officers in Utah serve without pay." 10 Ja 05, p.25

936

State laboratories

- a **Ind. Durbin**. Recommendation of State Board of Health for a state laboratory of hygiene opposed. 6 Ja 05, p.30

938

Vital statistics

See also 474, Family

- a **Fla. Broward**. "I call your attention to the very complete and valuable report of the State Board of Health, and especially to the important recommendations . . . in regard to the accurate collection of vital statistics, the licensing of embalmers, and the proper record of burials." 4 Ap 05, p.38
- b **Mich. Bliss**. The establishment of a more perfect system of birth records recommended. 5 Ja 05, p.24
- c **U. Cutler**. "Greater care should be taken in collecting vital statistics." 10 Ja 05, p.25

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953

Poisons

See also 956, Opium, cocaine etc.

- a **N. M. Otero.** "I would recommend that druggists be compelled to keep a register of those to whom poisons are sold." 16 Ja 05, p.28

956 **Adulteration. Inspection of articles liable to affect public health**

- a **Minn.** Van Sant, Dairy and Food Department, 4 Ja 05 p.18-19. S. D. Herreid, Department of Food and Dairy Commissioner, 3 Ja 05, p.28-29. U. Cutler, Dairy and Food Commissioner, 10 Ja 05, p.40. Wis. La Follette, Dairy and Food Commission, 12 Ja 05, p.97. Wy. Brooks, 11 Ja 05, p.13.
- b **Col. Peabody.** ". . . The numerous deaths in this city alone during the past few months, directly traceable to impurities in food and poisonous drugs used in its preservation, appeal more strongly than any words I can frame for immediate legislation along this line, and I trust you will give the matter early consideration." 6 Ja 05, p.17
- c **Del. Hunn.** Enactment of pure food regulations recommended. 3 Ja 05, p.21
- d **Fla. Broward.** "I desire to call your attention especially to the recommendation of the State Chemist as to the adoption of the United States standard of pure foods, drugs and chemicals, the enactment of pure food laws and pure stock food laws, and would recommend the passage of suitable laws on these subjects." 4 Ap 05, p.46
- e **Ill. Yates.** ". . . In order to carry out the work undertaken by the State Food Department . . . I would recommend that the Legislature appoint two additional inspectors, who shall be dairy experts, and who shall devote their time to looking after the dairy interests of the state; also another assistant chemist. . ." 4 Ja 05, p.23
- f **Ill. Yates.** "Your attention is called to the proposed revision or codification of the [food] law as set forth in the appendix to the annual report of the commissioner. . ." 4 Ja 05, p.23
- g **Ind. Durbin.** "If it is desired to establish a laboratory for analyses looking to the enforcement of the pure food law, I believe that Indiana should follow the trend of recent legislation in placing this chemical work in the hands of the chemist of Purdue University. . . This plan has been adopted in Oregon, Washington, North Carolina, Kentucky, North Dakota, Idaho, Wyoming and other states." 6 Ja 05, p.31
- h **Kan. Hoch.** Pure food law should be passed. 10 Ja 05, p.20

Communicable diseases

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- i Minn. Johnson. "Legislation is necessary. . . with relation to . . . pure food, and these laws should be framed upon the idea of education and development rather than persecution." 4 Ja 05, p.18
- j Neb. Mickey. "The work of the Food Commission is necessarily curtailed by reason of the fact that the law restricts inspection to dairy products, cider and vinegar. . . At present the commission is sustained by a system of fees collected from jobbers and retailers of dairy, vinegar and cider products. The deputy commissioner holds this to be an inequitable arrangement. . . It seems desirable, too, that the present law be broadened in its scope and made to include all food products." 5 Ja 05, p.15
- k Or. Chamberlain. "The offices of the Dairy and Food Commissioner and State Veterinarian ought to be places directly under the control of the State Board of Health. In no other way can these departments, which ought to act in entire harmony be brought together. As it is, I fear there is a disposition on the part of each to act independently of the others." 11 Ja 05, p.14
- m Pa. Pennypacker. ". . . As at present constituted, the expenses of the [Dairy and Food] Division are in the main paid from the sums collected for fines and licenses. This is a system which ought not to exist in connection with the work of any of the departments. . ." 3 Ja 05, p.6-7
- n W. Va. White. "The recommendation made by me . . . for the passage of a pure food law is renewed. . ." 11 Ja 05, p.53

961

Milk and milk products

- a Wis. La Follette. ". . . I recommend that the Dairy and Food Commission be provided with a force sufficient to furnish adequate inspection for the cheese factories, creameries and city dairies and thus put Wisconsin second to none in the quality of her dairy products, and second to none in the protection afforded to her citizens against adulterated food products." 12 Ja 05, p.98

972

Other articles of food and drink

1004 Meats

- a Okl. Ferguson. "It is . . . recommended that a law be enacted covering . . . [sale of impure meat] and imposing a penalty that will in the future aid in preventing this dangerous practice." 10 Ja 05, p.22

1020

Communicable diseases

See also 1065, Nuisances; 1144, Communicable diseases of animals

- a U. Cutler, 10 Ja 05, p.24.
- b U. S. Roosevelt. "It is desirable to enact a proper national quarantine law. It is most undesirable that a state should on its own

PUBLIC HEALTH AND SAFETY

1024-51

initiative enforce quarantine regulations which are in effect a restriction upon interstate and international commerce. The question should properly be assumed by the government alone. . ."

6 D 04, p.22-23

1024

Maritime quarantine

- a Or. Chamberlain. ". . . I renew my recommendation of two years ago for the abolishment of the state quarantine service at . . . [Astoria, Gardiner, Marshfield, and Yaquina bay] because I feel that their establishment and maintenance along the coast comes more properly within the jurisdiction and control of the federal authorities." 11 Ja 05, p.26
- b S. C. Heyward. "The Board [of Health] recommends that the quarantine stations in the state be transferred to the United States Public Health and Marine Hospital Service, and, for many reasons, in this recommendation I concur." 10 Ja 05, p.25

1030

Special diseases

1042 Tuberculosis

- a N. J. Murphy, 10 Ja 05, p.11-13. Wis. La Follette, Tuberculosis Commission, 12 Ja 05, p.91-92.
- b Ari. Brodie. ". . . The question here is protection against contagion which comes in the thousands of consumptives from eastern states who yearly make the cities and towns in this territory their abiding places. Arizona can not build a sanatorium for visitors and maintain it, and the question naturally broadens into a national one. I would suggest that a memorial be adopted asking the general government to construct at some suitable place in this territory a sanatorium where all persons coming here as invalids from tuberculosis may find accommodations." 16 Ja 05, p.14
- c Del. Hunn. Establishment of state sanatorium opposed on grounds of expense and unfavorable climatic conditions. 3 Ja 05, p.19-20
- d Ill. Yates. "A report submitted by the State Board of Health, in compliance with a joint resolution of the Senate and House of the 41st General Assembly, conclusively showed the advisability of the establishment of a state hospital for consumptives. . . ." 4 Ja 05, p.21
- e Ind. Hanly. Special commission on establishment of state hospital should be created. 9 Ja 05, p.5-6
- f Wash. Mead. ". . . I ask you. . . to strengthen the powers of our local and state boards of health, arming them with weapons to give battle to this arch enemy of mankind [tuberculosis]" 11 Ja 05, p.35

1051

Practice of embalming and undertaking

- a S. D. Herreid, State Board of Embalmers, 3 Ja 05, p.31.

1065 Nuisances (general). Miscellaneous health regulations

1073 Expectoration

- a Fla. Broward. "I especially call to your attention the State Health Officer's recommendation in regard to prohibiting spitting on the walls and floors of public buildings, railroad cars, other public conveyances, and sidewalks and pavements, as a means of preventing the spread of tuberculosis and other pulmonary diseases. . ."

4 Ap 05, p.38

1079 Pollution of water

See also 932, Public health; 2661, Sewerage

- a W. Va. White, Pollution of Great Kanawha river, 11 Ja 05, p.76
- b N. Y. Higgins. ". . . I recommend that the Legislature devise a system of state inspection of domestic water supplies, to be maintained at the cost of the municipalities, corporation and private owners affected thereby." 4 Ja 05, p.24
- c U. Cutler. "As a means of preventing typhoid fever and other infectious diseases, a supply of pure water and the use of dry earth closets, instead of vaults, would prove most effectual. While these are matters properly belonging to cities, towns, and villages, yet the State Engineer could render valuable aid in the matter of waterworks, and increased power could be given to local health officers regarding the prevention of soil pollution. . . ." 10 Ja 05, p.25
- d Vt. McCullough. "In this connection I would call attention to the general abuse of the streams of the state, by turning into them the chemical dyes and waste material from manufactories and the sewage from the towns, all which could and should be taken care of by modern disposal plants. . . . Section 11 of no. 115 of the acts of 1902, relating to the pollution of the sources of water supply, which exempts Lakes Champlain and Memphremagog from its provisions should be repealed." 6 O 04, p.27-28

1082 Signs. Advertisements

- a Vt. Bell. "I would have a law forbidding the custom of making bridges and highway fences billboards for the free advertising of all sorts of wares. . . ." 6 O 04, p.4

1090 Public safety

Protection of human life from accidents, casualties etc. See also 2044, General workshop regulations

1092 Fires

See also 1893, Forest fires

1093 Fire marshals. Inspection

- a Ind. Durbin. "I renew my recommendation of two years ago that there be enacted a fire marshal law, similar to that in operation in the state of Massachusetts. . . ." 6 Ja 05, p.33

- b **Kan. Hoch.** "The State Superintendent . . . follows the example of his predecessor in recommending the creation of . . . State Fire Marshal. . . It is said that in Massachusetts, for instance, it has been definitely ascertained that more than one third of all the losses from fire are from incendiarism, and that the fire marshal of that state has reduced the incendiary losses from 34% to less than 5% . . . I should wish, however, that this legislation might be supplemented by some law which would prevent the insurance companies from reaping all the benefits of the losses thus saved at state expense. . . ." 10 Ja 05, p.18
- c **Mich. Bliss.** Recommendation renewed for a state fire marshal system, subordinate to the Department of Insurance. 5 Ja 05, p.24

1099

Buildings: sanitation and safety*See also* 2044, General workshop regulations; 2235, Schools

- a **U. S. Roosevelt.** "Several considerations suggest the need for a systematic investigation into and improvement of housing conditions in Washington. The hidden residential alleys are breeding grounds of vice and disease, and should be opened into minor streets. A special 'commission on housing and health conditions in the national capital' would not only bring about the reformation of existing evils, but would also formulate an appropriate building code to protect the city from mammoth brick tenements and other evils which threaten to develop here as they have in other cities. . . ." 6 D 04, p.12

1110

Tenement houses

- a **N. J. Murphy.** "Hardly second in importance to any law that has been recently passed is that providing for a tenement house commission, with power to regulate the construction of new tenement houses, and to require that those existing at present shall be modified, so as (at least) to come within certain reasonable requirements as to light and air. . . ." 10 Ja 05, p.15
- b **N. Y. Higgins.** "The Court of Appeals has finally upheld the constitutionality of the only part of the tenement house law of 1901 which has been contested in the courts. . . ." 4 Ja 05, p.27

1113

Floods

- a **Cal. Pardee.** "One of the matters of greatest magnitude which the Legislature will be called upon to consider is that of control of the floods of the Sacramento river and its tributaries and the reclamation of the basin lands. . . The previously gradual development of this sentiment received a great impetus from the disasters of last spring. . . Out of this movement . . . came the employment . . . of . . . a board to study the whole problem, and report a plan of relief. The report, which has recently been submitted, is an able document, and shows great boldness in its conception of a system of control of the rivers. . . ." 2 Ja 05, p.48

1124

Miscellaneous

1128

Boilers and engineers

- a Mich. Bliss. Legislation recommended, making provision for inspection of steam boilers and examination and licensing of stationary engineers. 5 Ja 05, p.23

1139 Steamboats. Vessels

See also 1128, Boilers; 1800, Navigation

- a R. I. Utter, 5 Ja 05, p.12-13.

1144

Communicable diseases of animals

- a Ari. Brodie, Livestock Sanitary Board, 16 Ja 05, p.20. Ill. Yates, 4 Ja 05, p. 25. N. M. Otero, 16 Ja 05, p.33. Okl. Ferguson, 10 Ja 05, p. 20. S. D. Herreid, 3 Ja 05, p.32. Tex. Lanham, 12 Ja 05, p.14. Wy. Brooks, 11 Ja 05, p.14, 20-21.
- b Id. Gooding. ". . . In the last few years a disease known as mange has spread very rapidly among our horses and cattle and unless something is done to eradicate it, there is danger of great loss to our cattle and horse interests. . . I am forced to the conclusion that the best interests of the great livestock industry of Idaho, as well as economy, demands that the law creating the office of sheep inspector be repealed and the office of State Veterinarian created, with control over all contagious diseases among domestic animals." 5 Ja 05, p. 17-18
- c Kan. Hoch. "There appears to be a great diversity of views among stockmen as to the practical value to the state, or to their interests particularly, of this [Live Stock Sanitary] Board. It seems to be pretty generally agreed among cattlemen that the inspection fees are no longer of value and should be discarded, as it is said that these fees are generally paid without any real inspection service. . . ." 10 Ja 05, p.17
- d Nev. Sparks. "It is absolutely necessary that this state should have a state veterinarian. . . ." 16 Ja 05, p.16
- e N. D. Sarles. "Attention is called to . . . the last annual report of the Chief State Veterinarian, in which a change in the system of state control of animal diseases is suggested. . . It is evident that under the present conditions the efficiency of district veterinarians is much impaired, while the arrangement by which the professor of veterinary science of the Agricultural College is made Chief State Veterinarian is such as to demand more time than can possibly be expected from one man. . . ." 4 Ja 05, p.8-9
- f N. D. White. "During the past year an epidemic of scab or mange in cattle has prevailed over a large part of the western half of the state. . . I desire to call your attention to the report of the State Veterinarian, who has made some very important recommendations upon this subject. . . ." 4 Ja 05, p.19-20

- g** Or. Chamberlain. "The offices of Dairy and Food Commissioner and State Veterinarian ought to be placed directly under the control of the State Board of Health. . . ." 11 Ja 05, p.14
- h** S. D. Elrod. "A law should be enacted whereby the disease known as 'cattle mange' may be checked and cured. . . . It is our judgment that each township should be required to put in a dipping plant, when ordered to do so by the Board of County Commissioners, and that the same be under control of the supervisors of the town, and that each person who has cattle or sheep should be required to dip the same in the presence of a member of said board as often as is deemed advisable. . . ." 3 Ja 05, p.5
- i** Vt. Bell. ". . . I would advise enlarging the power of the [Cattle] Commission and the establishing of some date after which the state shall cease to be responsible for nearly the full value of diseased animals." 6 O 04, p.7

1146

Quarantine

- a** Okl. Ferguson. "The territory has a good quarantine law. It should . . . be extended, strengthened and more ample provisions made for its enforcement. . . ." 10 Ja 05, p.7

1151

Special diseases

1155 Glanders. Farcy

- a** S. D. Herreid. ". . . A glandered horse is not only a source of great danger to the owner, but utterly without value. The owner may at the expense of the state have such diseased animal examined by the Veterinary Surgeon, but it is not quite clear why the state should pay for an animal that is utterly worthless. . . ." 3 Ja 05, p.35

1169

Special animals

1177 Sheep

- a** U. Cutler, State Board of Sheep Commissioners, 10 Ja 05, p.36.

1180

Control of waters

See also 1113, Floods; 1384, Canals; 1393, Bridges; 1800, Navigation

- a** Pa. Pennypacker. "It is high time that attention be given to the preservation of our streams. . . . In western Asia are vast lands where once were teeming civilizations now barren wastes, because the people did not understand how to take care of their water supplies. . . . They are . . . being seized upon by those who hope to make them commercially profitable, and in some instances the waters are being diverted from their channels. . . . Probably nine tenths of the charters for water companies which have come before me in the last two years have been instances in which the parties securing the grants had no intention of supplying water to consumers,

but sought to get privileges which would be available in the market. . ."

3 Ja 05, p.14-15

- b Vt. McCullough. ". . . Water by the law of nature must, of necessity, be common to all. . . The distribution of electricity to points far distant from the place of its generation, opens up vast possibilities in the utilization of water power. Massachusetts, with not quite one sixth the area of New York, has, under its enlightened policy, developed 187,000 water horse power as against New York's 220,000 (excluding Niagara). And this she has done by utilizing the power by means of immense dams on the Connecticut at Holyoke and Turners Falls, and by a system of canals affording a succession of mill sites. The same policy has been followed on the tributaries of the Connecticut and on all the power-producing streams of the state. Vermont should obtain a similar return from her streams. Let a commission be appointed, to act without compensation, which shall adopt a plan covering the entire state for the preservation and utilization of its water powers, for the construction of reservoirs and reserve ponds on the streams, for the regulation of the flow and use of the water and for its protection from waste."
- 6 O 04, p.25-26
- c Wis. La Follette. Special message relative to franchises to dam navigable streams.
- 12 Ap 05, 8 p.

1183

Irrigation. Water rights in arid states

- a Ari. Brodie, 16 Ja 05, p.2. Col. Peabody, Kansas-Colorado water suit, 6 Ja 05, p.6. Kan. Hoch, 10 Ja 05, p.5. Mon. Toole, the Carey Land Board, 2 Ja 05, p.7. Neb. Mickey, 5 Ja 05, p.16. N. M. Otero, 16 Ja 05, p.20-22. N. D. White, 4 Ja 05, p.20-21. U. S. Roosevelt, 6 D 04, p.16. U. Cutler, 10 Ja 05, p.27-31. Wy. Brooks, 11 Ja 05, p.21.
- b Id. Gooding. ". . . Under the present law permitting water to be appropriated for power purposes, valuable power and dam sites are tied up for a long time. Instances have come to my knowledge where the same person has located several such water rights thereby securing control of the dam and power sites, evidently for speculative purposes and not for immediate development. I would recommend that the present law be amended so that in the future, before permits can be granted for diverting water for large power and irrigation plants, a good and sufficient bond be executed by the state for the faithful completion of the proposed works, and requiring work to begin within six months from date of location and to be prosecuted steadily until the works shall be completed."
- 5 Ja 05, p.15
- c Id. Gooding. "It is very unfortunate that that portion of the irrigation bill passed two years ago providing for the summary adjudication of water rights, was unconstitutional. . . It will therefore be necessary for a law to be passed providing for a simple, speedy and economical adjudication of all the water rights in our state. . .

CONTROL OF WATERS

Another important feature is that of making final proofs on water rights after the present water rights shall have been adjudicated. When these two questions are properly settled, with a few amendments to the present law, I see no reason why the chain of title to water rights should not be as simple and as perfect as that to our lands."

5 Ja 05, p.16

- d Nev. Sparks. ". . . The question of individual appropriation seems to be the greatest obstruction to the successful adoption of the water storage systems throughout the state. Notwithstanding the courts have declared that water must be used for beneficial purposes, many appropriators act upon the theory that they are entitled to all that their ditches will carry, no matter how wasteful it may be used or who may suffer thereby. The law, as it now stands, provides for the appointment of Water Commissioners to make apportionment of streams according to list of priorities recorded, etc. Aggrieved parties have the right of adjudication by the courts, but court procedure is a very long, tedious and expensive method. The government system of irrigation and distribution of water, as now contemplated, will give demonstration to the most economical use of water for irrigation purposes yet devised, and if this system shall become the law in a form not to encroach upon acquired rights and the necessities of prior appropriators, it will prove to be a benefaction of the greatest importance to the state at large."

16 Ja 05, p.4

- e N. M. Otero. ". . . In order that this important question be dealt with in the most equitable and satisfactory manner, it is but proper that the Legislature enact a general law upon the subject of irrigation and water rights. Such codes are now in force, and are operating to the general advantage of the people in California, Colorado, Wyoming and other western states. An act of this kind should include a provision for the creation of an office to be known as that of the territorial engineer, who should have among other powers that of supervising the equitable distribution of waters already appropriated. . . ."

16 Ja 05, p.20

- f N. D. Sarles. ". . . In the past year it seemed wise to my predecessor to appoint a state irrigation engineer, to work with the government engineers and discover places where irrigation would be practicable and of beneficial effect. . . . The moneys necessary to defray the salary and expenses of the irrigation engineer were advanced by public-spirited citizens and I suggest that they be reimbursed from the state treasury, and that the moneys advanced by counties be also returned. I would recommend also that you consider the wisdom of creating the office of state irrigation engineer as a permanent officer of the state government. . . . I would further recommend that you consider the irrigation laws of other states, with a view to enacting such legislation as will enable this state to cooperate most effectively with the national government in the creation and maintenance of irrigation works."

4 Ja 05, p.10

- g** Or. Chamberlain. "It is to be hoped that the committee appointed in pursuance of a resolution adopted at the last session will present to you a report of their work, with a bill for the regulation of riparian and water rights. . . ." 11 Ja 05, p.50
- h** U. Cutler. "Chapter 59, laws of Utah, 1901, authorizes the State Board of Land Commissioners to construct reservoirs for supplying water to state lands. . . I would suggest the advisability of additional legislation, authorizing the State Board of Land Commissioners to construct reservoirs . . . whether the water is to be applied to state lands or not. In cases where the water is to be applied to private lands, it could be sold at cost and paid for in 10 annual payments, or such number as you may decide upon, and the proceeds applied to the construction of more reservoirs, somewhat on the plan outlined in the Government reclamation act." 10 Ja 05, p.32-33
- i** Wash. McBride. ". . . Some time ago it was suggested to me by officials of the United States reclamation service that under our laws, as they now are, it would not be feasible to undertake any irrigation project in this state. I was also requested by various boards of trade and chambers of commerce, and persons interested in irrigation, to appoint an 'irrigation commission' to study the question. . . After careful consideration, I concluded to appoint an irrigation commission for the purpose of investigating the subject of irrigation. . . ." 11 Ja 05, p.11
- j** Wash. Mead. "I would recommend to your . . . consideration the report . . . of the Irrigation Commission appointed by . . . Governor McBride. . . ." 11 Ja 05, p.30
- k** Wy. Brooks. "The recent decision of our Supreme Court, holding water rights transferable, renders it necessary for this Legislature to enact laws preventing indiscriminate transfers." 11 Ja 05, p.11-12

Artesian wells

- a** Nev. Sparks. ". . . There are several counties in the state which have not been favored with surface water. . . Counties so situated should have encouragement in the reclamation of such lands by government aid in boring for artesian water. It has been demonstrated in many places that strong flows of artesian water have been obtained at depths of from 150 to 500 feet. . . ." 16 Ja 05, p.16
- b** N. M. Otero. "Complaint has been made to the effect that many wells in the artesian districts of this territory, are permitted to flow continuously, thus causing great waste and endangering the future permanency of the artesian flow. . . ." 16 Ja 05, p.22
- c** U. Cutler. "The experiment in sinking artesian wells, under the provision made by the fourth session of the Legislature, has not proved very satisfactory. It is questionable if the experiment should be continued." 10 Ja 05, p.12

CONTROL OF WATERS

1192

Drains. Dikes. Levees

See also 1183. Irrigation; 2651. Sewerage; 2730. Roads

- a **Kan. Hoch.** "The subject of dykes and drainage will doubtless be presented for your consideration. . . Under present statutes, the local restrictions are so great that it is practically impossible for farmers in the lowlands and valleys, subject to inundation, to get relief without additional legislation. . . Missouri, Iowa, Illinois, New York and perhaps other states have laws upon this subject which you may examine with profit." 10 Ja 05, p.14-15
- b **N. D. Sarles.** ". . . It seems to me the present [drainage] law is cumbersome and the construction of drains thereunder more expensive than is necessary. Nor are the interests of the owners of lands affected by drains as carefully protected as I believe they should be. . ." 4 Ja 05, p.9

1195 State ditches

- a **Minn. Van Sant.** "In 1901, by act of the Legislature the present drainage law became effective and \$50,000 was appropriated to be used for the purpose stated in the act. . . It has been the purpose at all times of the Drainage Board to locate the ditches where the most benefit would accrue to the lands belonging to the state. The work has been of great benefit and has reclaimed thousands of acres and added value to the land adjacent far in excess of the cost of doing the work." 4 Ja 05, p.26
- b **Minn. Johnson.** "Vast tracts of land located largely in the northern part of the state are at present a useless waste, because they are low, wet and untillable. . . I urge upon your consideration the enactment of a law having for its purpose the drainage of this land under state supervision. To do this I would recommend the establishment of a revolving fund from which the expense providing for this improvement may be met, the money thus expended to be returned to this fund in deferred payment without interest, from taxes levied upon and collected from the lands benefited. . . The fact that such a revolving fund would be kept intact would permit of a more rapid development of the drainage system and would relieve the Legislature of future appropriations for drainage purposes. I deem it my duty also to call your attention to the national swamp land grant by which thousands of acres of swamp land were deeded to the state with the understanding and consideration that these lands were to be drained by the state. . ." 4 Ja 05, p.12-13

1199

Hot springs. Mineral waters

- a **W. Va. White,** Berkeley Springs Board, 11 Ja 05, p.63-64. **Wy. Brooks,** Thermopolis Hot Springs, 11 Ja 05, p.19.

1200

Transportation and communication

See also 1800, Navigation

1204

Rates. Discrimination

- a U. S. Roosevelt, 6 D 04, p.9-10.

1212

Rates (general)

- a **Mass.** Douglas, 5 Ja 05, p.35-36.
- b **Mich.** Warner. "Under existing statutes the rate per mile charged by railroad companies for passenger transportation is limited by their respective passenger earnings. . . . In the case of the Grand Rapids & Indiana Railroad, the company continued to collect 3c per mile for more than three years, by holding the cases in the courts for that length of time. During these years the company collected for passenger service at the rate of 3c per mile more than \$80,000 per year in excess of what it would have collected at 2½c per mile, the new rate as fixed by law. It will thus be seen that the company made a net profit of practically \$240,000 by holding the matter in the courts as long as possible. . . . While the right of appeal to the courts can not and should not be denied the railroad companies in these matters, yet I believe that such litigation could be practically averted, at least that it would cease to be encouraged, if a law were enacted providing that whenever the courts did not sustain the appeal of the railroad companies in such cases, said companies should return to the state treasury an amount equal to twice the excess of passenger fares collected during the pending of the cases in court." 5 Ja 05, p.8-9
- c **Minn.** Van Sant. ". . . I trust that you will pass a law to prevent the raising of freight rates without first giving notice to our commission and securing their consent." 4 Ja 05, p.34
- d **Minn.** Johnson. ". . . The railway and warehouse commission is now clothed with proper legal authority to establish fair and equitable rates. That this has not been done is because of a lack of aggressive administration rather than to a lack of legal authority. I would, therefore, recommend the appointment by you of a joint legislative committee to make a full and complete investigation of the prevailing rates of transportation within this state with a view of establishing by law a maximum tariff rate for transportation within this state which shall be based upon a reasonable rate of interest and profit on the investment, and which will be fair to all parts of the state, and absolutely prohibit an unjust discrimination between localities or individuals." 4 Ja 05, p.9-10
- e U. S. Roosevelt. ". . . In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect, and to stay in effect unless and until the court of review reverses it." 6 D 04, p.10

TRANSPORTATION

1227

Passenger rates

1237

Passes. Franks

- a **Ind. Hanly.** ". . . The officials of the various municipalities and counties, and the officials of the state, constitute the jury before whom are brought countless grave and important interests, upon the one side of which are the corporations and upon the other side of which are the people. For this reason such officials have no right to use or accept substantial and continuing favors from the corporations during their terms of service. . . Reduced to their last analysis, such favors are petty bribes. . . I submit for your consideration the enactment of a statute that will prohibit the giving of free transportation or of the franking privilege to any official, municipal, county or state, by any person or corporation or the acceptance of any such favor by any such officer, either directly or indirectly, under such penalties as shall insure its observance. The inhibition should also include telegraph and express company franks. . ." 9 Ja 05, p.22-23
- b **Minn. Johnson.** ". . . I am not among those who believe that the giving or accepting of a free railroad pass or a frank is intended in any way as a bribe, and yet the mere acceptance of the courtesy necessarily places the recipient under some slight measure of obligation to the corporation. . . All corporations do business on an earning basis, and every free pass or favor granted by a corporation, is of necessity, paid for by the class of citizens who do not come within the favor of the corporation. . . I would urge the adoption of a law which will abolish the pass system in this state. . ." 4 Ja 05, p.11
- c **Mo. Folk.** "In investigating legislative corruption, it has been my experience that the first step a legislator takes toward bribery, as a rule, is the acceptance of a railroad pass. The Constitution of the state and the statute make it a misdemeanor for a legislator to accept a pass, and for any one to give a legislator free transportation. . ." 9 Ja 05, p.8
- d **Tex. Lanham.** "The demand [of the democratic platform] for the enactment of a stringent and effective antifree pass law is plain, positive and emphatic. . . It contemplates no exceptions aside from bona fide owners, officers or employees. . ." 12 Ja 05, p.10
- e **Wis. La Follette.** ". . . The provisions of law should be so far reaching as to absolutely bar the use of passes or privileges extended by these corporations to public officers, whether under the guise of services to be performed or for services actually performed. . ." 12 Ja 05, p.66

1238

Race distinction

- a **W. Va. White.** "West Virginia has never tolerated or encouraged the adoption of any law abridging the rights of any of its citizens on account of race, condition or color. . . Any attempt by railroad

companies to create separate waiting rooms for different races at public depots should also be prohibited. All decent, respectable, law-abiding, sober citizens are entitled to fair consideration and equal privileges by transportation companies, and their rights should be safeguarded."

11 Ja 05, p.80

1240

Miscellaneous. Common carriers

1249

Prompt shipment

- a **Mich. Warner.** "Manufacturers and jobbers, and shippers generally, complain of unnecessary delay in the handling of freights by the railroads, both in car lots and less than car lots. These complaints are sufficiently numerous, and the losses involved are sufficiently great, to deserve your careful consideration. . ."

5 Ja 05, p.9

1267

Railways. Car companies. Express

See also 500, Corporations; 841, 845, Taxation; 2040, Labor. Chiefly steam roads but many of the general laws and special provisions include all kinds of railways.

- a **Nev. Sparks,** 16 Ja 05, p.14-15. **S. C. Heyward,** 10 Ja 05, p.26. **S. D. Elrod,** 3 Ja 05, p.9. **S. D. Herreid,** Railroad Commission, 3 Ja 05, p.27. **Tex. Lanham,** 12 Ja 05, p.19.
- b **Fla. Broward.** "I recommend that a constitutional amendment be submitted to the people, making the Railroad Commission a constitutional branch of the state government." 4 Ap 05, p.40
- c **Ind. Durbin.** "The present General Assembly will be asked to enact a law creating a railroad commission. . . A measure that takes into account the interests of all concerned would doubtless be of great public benefit. . ."
- d **Ind. Hanly.** Urgent need of state railroad commission. ". . . Such commission should have power, not only to decide that an existing rate is illegal and unjust, but it should also be given authority to determine what would be a legal and just rate and to declare the same. And the rate, when so fixed by the commission, should stand until reversed by the judgment of some appellate tribunal to which the right of appeal should be provided for. . ." 9 Ja 05, p.17-19
- e **Kan. Hoch.** ". . . Our . . . state railroad law should be amended in several particulars, enlarging the authority of the board, so as to give them more jurisdiction in some cases, and greater power to enforce their mandates. . . "
- f **Minn. Johnson.** ". . . I would urge the passage of a bill, which would authorize the State Board of Railway and Warehouse Commissioners to represent any individual complaint before the Interstate Commerce Commission when in the judgment of said Board of Railway and Warehouse Commissioners the grievance of the complainant is a just one."

4 Ja 05, p.10

TRANSPORTATION

- g** **Mon. Toole.** A railroad commission should be created with adequate powers to regulate rates within the state, and to prevent discrimination in charges or facilities for transportation. 2 Ja 05, p.4
- h** **Pa. Pennypacker.** ". . . All corporations, before they can be chartered, are required to give notice by advertisement of their applications, except railroad and street railway companies. It would seem to be specially important that these companies should give such notice. . . It has become a custom, more or less prevalent, to secure charters upon obscure streets and reach the main avenues by means of this privilege of extension, which is entirely within the control of the companies and is subject to no supervision. If a railroad be incorporated 20 miles in length it must, under the act of April 4th, 1868, have a capital stock of \$10,000 per mile. If it be incorporated with a length of 5 miles and then be extended to 20 miles, under the act of May 21, 1881, it is only required to have a capital stock of \$5000 per mile. . . ." 3 Ja 05, p.10
- i** **Vt. McCullough.** ". . . In my judgment, the functions of this commission [railroad] should be advisory, rather than mandatory, in the interest both of the general public and of the railroads." 6 O 04, p.17
- j** **Wash. McBride.** ". . . Sentiment is now almost unanimous in favor of the passage of a railway commission bill. . . What is needed is a regulative, appointive railway commission clothed with ample power to remedy abuses. . . ." 11 Ja 05, p.12
- k** **Wash. Mead.** "I recommend the enactment of a law establishing a railway and transportation commission. . . A difference of opinion exists . . . concerning the constitutional right of the Legislature . . . to empower such a commission with the authority to establish maximum rates for transportation of passengers and freight, and with power to correct abuses and prevent discrimination in freight and passenger tariffs. . . ." 11 Ja 05, p.15-16
- m** **W. Va. White.** Recommendations renewed in regard to correction of railroad abuses and creation of railroad commission. 11 Ja 05, p.81-85
- n** **Wis. La Follette.** State control of railway services and railway rates. 12 Ja 05, p.25-66

1268

Corporate organization and power

See 1267

1272

Consolidation, sale, lease

- a** **Minn. Van Sant.** Northern Security Co. "In 1903 the Legislature passed chapter 86, which prohibits the control of parallel and competing lines of railway by stock ownership. In case any effort is made to control the Great Northern and Northern Pacific railway companies through a stock ownership in individuals, or under any agreement so that free and open competition is interfered with, the

state should take action under that law, so as to prevent any such control or unity of interest. . . . Legislation is needed which will enable the state to secure jurisdiction over foreign corporations like the Northern Securities Company, which are seeking to evade or violate the laws of this state, by remaining outside the jurisdiction of the state but acquiring the stock of domestic corporations, and exercising all the powers of such stock ownership outside the borders of the state. . . ."

4 Ja 05, p.31-32

1279

Stocks, bonds, mortgages

- a **Tex. Lanham.** "The stock and bond law was approved April 8, 1893, giving the Railroad Commission authority to supervise the issuance and registration of stock and bonds of railroad companies. It will be seen by reference to table no. 3 of the 13th annual report of the commission that the average amount of outstanding stock and bonds per mile of railroad has been gradually decreased since the commission began its supervision. . . ."
- b **Wis. La Follette.** Special message recommending regulations to prevent overcapitalization of steam and electric roads. . . ."

12 Ja 05, p.20

6 Je 05, 7 p.

1282

Public aid. Exemptions. Subscription to stock

- a **Ari. Brodie.** Method of encouraging building of railroads by exemptions from taxation should be discontinued. . . ."
- b **Id. Gooding.** "To me, over Idaho's future greatness there hangs but one shadow, and that is the lack of proper communication between the northern and southern portions of our state. . . . The building of a north and south railroad means so much for better relationship between the north and the south and the development of the interior of our great commonwealth, that in my judgment you are warranted in giving the people of Idaho an opportunity to amend the Constitution, so that they can give this great public necessity such encouragement as is thought best. . . ."

5 Ja 05, p.5-6

1297

Eminent domain. Damages

- a **Pa. Pennypacker.** "In my inaugural address of January 20, 1903, and in my message giving the objections to the act authorizing railroads to take dwellings by condemnation proceedings [see address, p.3, and vetoes, p.125], I called attention to the principle that only public necessity could justify the taking of private property by eminent domain, and suggested the propriety of the ascertainment by the state of such need before any franchise is granted including this right. . . . I renew the suggestion. . . ."

3 Ja 05, p.11

1301

Traffic regulations

- a **Fla. Broward.** "I recommend that the Railroad Commissioners be required to investigate the sufficiency and fitness of cars for the safe and comfortable transportation of passengers, and for the safe and expeditious transportation of freight. And that the

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Railroad Commissioners be empowered to . . . enforce reasonable regulations requiring railroads to . . . maintain depots. . ."

4 Ap 05, p.40

- b** **Vt. Bell.** "It would now seem advisable to . . . provide that in the cases where competing lines are so seriously at variance that there is no hope for reasonable results, the [Railroad] Commission have the power to step in and take some action to prevent further inconvenience to the traveling public."

6 O 04, p.7

1314

Safety regulations

See also 1128, Boilers and engineers

- a** **Fla. Broward.** "I . . . recommend that the State Board of Health be empowered to make rules and regulations for the maintenance of proper sanitary conditions in railroad depots and passenger cars, and provide for their inspection. . ."
- b** **Fla. Broward.** "I recommend that a law be enacted, empowering the Railroad Commission to employ a competent civil engineer, whenever, in their judgment, they deem it necessary, to inspect the railroad roadbeds, tracks, and condition of rolling stock . . . and that they be empowered . . . to make rules which shall require that the roadbeds, tracks and rolling stock be maintained in . . . safe condition. . ."
- c** **Fla. Broward.** "I recommend that the Railroad Commission be empowered to ascertain by such investigation as may be necessary, the safest switching device for use on railroads, and that they be empowered to require the use of such switch as they may determine, by the railroads operating in this state."
- d** **U. S. Roosevelt.** "The ever increasing casualty list upon our railroads is a matter of grave public concern, and urgently calls for action by the Congress. . . The passage of a law requiring the adoption of a block signal system has been proposed to the Congress. I earnestly concur in that recommendation, and would also point out to the Congress the urgent need of legislation in the interest of the public safety limiting the hours of labor for railroad employees in train service upon railroads engaged in interstate commerce, and providing that only trained and experienced persons be employed in positions of responsibility connected with the operation of trains. . . The law of 1901, requiring interstate railroads to make monthly reports of all accidents to passengers and employees on duty, should also be amended so as to empower the government to make a personal investigation, through proper officers, of all accidents involving loss of life which seem to require investigation, with a requirement that the results of such investigation be made public. The safety appliance law, as amended by the act of March 2, 1903, has proved beneficial to railway employees, and in order that its provisions may be properly carried out, the force of inspectors provided for by appropriation should be largely increased. . ."

4 Ap 05, p.39

4 Ap 05, p.40

4 Ap 05, p.41

6 D 04, p.4

- e **Wis. La Follette.** ". . . Protection from danger to life and limb of travelers and trainmen on railway cars should be safeguarded by the use of every modern appliance known to be efficient for that purpose. . . . No invention has done more to lessen the number of collisions and consequent loss of life than the automatic block signal system. . . . This system is in partial use on most of the leading lines and its compulsory adoption upon all would go far to minimize the dangers of travel by rail. . . . Provision should be made by law, as has been done in a number of the states, to compel the use of the power or driver brakes on all engines, and train or air brakes on all cars. . . . provision should be made for frequent tests and for regular examinations of air chambers and valves. . . . An automatic safety coupler has been invented. . . . The use of this should be compelled by the Legislature. . . . Provision should also be made for a uniform height of draw bars for convenience in making up trains. For the safety of train men, provision should be made by law for grab irons or hand holds on the ends and sides of all freight cars and on the roof of all box cars. It has been prescribed by law in the state of Michigan that whenever there shall be above or across any of the tracks of any railroad, a bridge, crossing, viaduct or other structure or obstruction at a height of less than 7 feet above the roof of any freight car, safety guards consisting of pendent straps or lines be suspended above the track as designated by the Railroad Commissioner. . . . It ought to be required by law in this state. . . . Some provision ought to be made for the proper inspection of railroad appliances. . . ." 12 Ja 05, p.68-70
- f **Wis. La Follette.** Special message in regard to railroad accidents. 20 Ap 05, 8p.

1315 Accidents. Liability*See also 2125, Employer's liability*

- a **Fla. Broward.** "I . . . recommend that a law be enacted providing for investigation by a competent civil engineer, under the direction of the Railroad Commission, of the causes of all accidents on any of the railroads in this state. . . . That it shall be the duty of the general manager or superintendent of such railroad to inform the Railroad Commission of all such accidents immediately after their occurrence. . . ." 4 Ap 05, p.40-41

1337**Street railways***See also 500, Corporations; 841, 845, Taxation; 2040, Labor*

- a **Ill. Yates.** "The Railroad and Warehouse Commission recommend . . . the passage of such legislation as will clearly and positively define the jurisdiction of that commission over electric railway lines in this state. . . ." 4 Ja 05, p.35
- b **Minn. Johnson.** Electric railways should be subject to control of Railway and Warehouse Commissioners. 4 Ja 05, p.10

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- c **Vt. McCullough.** ". . . Recommendations [of the Board of Railroad Commissioners] as to the supervision of the electric systems of the state are especially worthy of your earnest consideration."

6 O 04, p.17

1370 **Guards. Brakes**

- a **Ari. Brodie.** ". . . I . . . recommend that the owner# . . . operators of trolley lines be compelled to furnish each car with life-saving fenders."

16 Ja 05, p.16

1384

Canals

- a **N. Y. Higgins,** 4 Ja 05, p.13-14. **Or. Chamberlain,** 11 Ja 05, p.44-48. **Or. Chamberlain,** canal and locks at Willamette Falls, 11 Ja 05, p.48-49.
- b **Ill. Yates.** "The affairs of the Illinois and Michigan canal are in a critical condition. Its revenues are insufficient for its maintenance and operation, and the courts of our state have decided that the Legislature is without the power to levy taxes to provide funds for its use. A few years hence and the canal can not only be made self-supporting, but a means of revenue to the state. . . I have, in previous messages, called attention to the great value of the old canal to the state, even though it has ceased to be self-supporting, and have advocated its maintenance, if possible, until the larger and more useful channel contemplated by the federal government shall have been completed. . ."
- c **N. Y. Higgins.** ". . . The Black river canal from Boonville north is now practically an abandoned waterway, serving no useful purpose except to those employed to manage it under the constitutional mandate above referred to. I therefore recommend that so much of said canal be leased, sold or otherwise disposed of, and that the question be submitted to the people for their determination."

4 Ja 05, p.33

4 Ja 05, p.14

- d **Pa. Pennypacker.** ". . . All the great power and influence of the commonwealth and her representatives in national affairs, financial and political, should be exerted to secure the deepening of the channel of the Delaware and if need be in addition to dig a ship canal across New Jersey direct to the ocean."

3 Ja 05, p.14

1393

Bridges. Tunnels*See also 2700*

- a **Pa. Pennypacker.** "With respect to the rebuilding of county bridges, I recommend that the amount to be expended each year for this purpose be fixed at such a figure as may seem to the Legislature to be wise. . . If a certain proportion of the cost of construction of these bridges were left to the counties instead of the whole burden being imposed upon the state, they would have a substantial

interest, not only in making effort to save the bridges from destruction, but also in the preservation of such of the material as could be utilized."

3 Ja 05, p.2

1405

Safety regulations

- a W. Va. White. "The recent disaster in the city of Charleston, occasioned by the collapse of a public bridge, has called attention to the need of some regulation or law requiring the annual inspection of all public highway bridges and their prompt closing, when unsafe."

11 Ja 05, p.78

1411

Telegraph and telephone

See also 500, Corporations; 841, 845, Taxation; 2040, Labor

- a Kan. Hoch. Powers of Railroad Commission should be extended to telegraph and telephone companies. 10 Ja 05, p.13
- b Minn. Johnson. Telegraph and telephone companies should be subject to control of Railway and Warehouse Commissioners. 4 Ja 05, p.10
- c S. D. Elrod. "The tolls charged by telegraph and telephone companies are too high and the service is not always the most satisfactory. They should pay a just and equitable tax." 3 Ja 05, p.4

1422

Commerce and Industry (General)

1425

Weights and measures

1426

Sealers. Public scales. Standards

- a U. Cutler. "Regarding the law regulating the testing and sealing of weights and measures, the Auditor states that there is not a county in the state in which the provisions of this important law are carried out. Either the act should be repealed, or it should be made effective by an amendment making it the duty of the various county boards to see that standards are provided and properly tested, and making it obligatory upon the owners of weights, measures, scales, and beams, to have them tested and sealed by the county sealer." 10 Ja 05, p.8
- b W. Va. White. "Two years ago I called the attention of the Legislature to the need of enacting some legislation on the subject of weights and measures. . . . No action was taken, and there has been no supervision by the state of the weights and measures used throughout the state. . . ."

11 Ja 05, p.61

1464 **Adulteration and imitation. Branding. Inspection**

See also 956, Adulterations liable to affect public health

1493 **Petroleum products**

- a Ind. Durbin, Oil Inspection Bureau, 6 Ja 05, p.41. Neb. Mickey, 5 Ja 05, p.15-16. Okl. Ferguson, 10 Ja 05, p.19. Wis. La Follette, inspection of illuminating oils, 12 Ja 05, p.103.

- b S. D. Herreid. "A law was enacted two years ago which has given the people relief from the adulterated oils for which South Dakota has become a favorite dumping ground. . . I believe the fees for inspection should be no more than sufficient to pay all expenses incident to protecting the people of the state from the compulsory use of oil that is either nearly useless or dangerous. . . The faithful, energetic and effective work of the Oil Inspectors is worthy of special commendation. . . Some features of the new law—the requirements pertaining to specific gravity test and residue of oil offered for sale for illuminating purposes have been attacked by the Standard Oil Company. They do not attack the flash test nor the other requirements, admitting that these are directed toward proper purposes, but claim that the residue test and the gravity test have no bearing upon the efficiency of the oil for illuminating purposes. . . The case is now pending in the United States Circuit Court. . . For two years the supply of oil has been satisfactory. The people will never again submit to the condition which existed prior to the enactment of the present law." 3 Ja 05, p.37-39

1508

Warehouses. Markets

1515

Grain warehouses and inspection

- a S. D. Herreid. "The [Railroad] Commissioners call attention to the inadequacy of the penal provisions of the grain warehouse law and recommend the enactment of a law now successfully in force in Minnesota." 3 Ja 05, p.28

1517 Inspection

- a Okl. Ferguson, Grain inspector, 10 Ja 05, p.21.
- b Kan. Hoch. "Two years ago the Legislature created what is known as the Grain Grading Commission, composed of three members, who meet once a year to establish grades, and get \$100 and expenses for their services. This work can be done in a little while by the grain inspector and his assistants, and this commission, in my judgment, should be abolished." 10 Ja 05, p.20

1532

Regulation and licensing of trades and occupations

1540

Barbers

- a U. Cutler, 10 Ja 05, p.42-43.
- b Fla. Broward. "A subject that is receiving attention from the health authorities of other states is the proper sanitation of barber shops, and the utensils and instruments used in them, and I believe this to be an important matter that should receive attention." 4 Ap 05, p.39
- c Kan. Hoch. "The Barber Board, under the law, operates only in cities having more than 3000 people, when, if it should have any exist-

ence at all, these conditions should be reversed. . . This board should either be abolished or its benefits extended to the smaller places." 10 Ja 05, p.20

1630 Encouragement of industries

1633 Bonus. Exemptions. Bounty

See also 810, Exemption from general property tax; 1282, Railroads

1653 Silk culture

- a S. C. Heyward. "It has been practically demonstrated that our climate is admirably adapted to silk culture. . . As a profitable and desired addition to our diversified crops, I think this an important subject for our careful consideration." 10 Ja 05, p.29

1662 Expositions

Jamestown Exposition

- a Ill. Yates, 4 Ja 05, p.57-58. Neb. Mickey, 5 Ja 05, p.14-15. N. M. Otero, 16 Ja 05, p.34. Or. Chamberlain, 11 Ja 05, p.54. U. S. Roosevelt, 6 D 04, p.21. W. Va. White, 11 Ja 05, p.66-67.

Lewis and Clark Exposition

- b Ari. Brodie, 16 Ja 05, p.20-21. Col. Peabody, 6 Ja 05, p.14. Id. Gooding, 5 Ja 05, p.18-19. Ill. Yates, 4 Ja 05, p.59. Mo. Folk, 7 F 05, p.4-5. Neb. Mickey, 5 Ja 05, p.14. N. M. Otero, 16 Ja 05, p.35. N. D. White, 4 Ja 05, p.21. N. D. Sarles, 4 Ja 05, p.11. Pa. Pennypacker, 3 Ja 05, p.19. U. Cutler, 10 Ja 05, p.38. Wash. Mead, 11 Ja 05, p.36. W. Va. White, 11 Ja 05, p.65-66. Wis. La Follette, 12 Ja 05, p.104-5.

Louisiana Purchase Centennial

- c Ari. Brodie, 16 Ja 05, p.20. Ark. Davis, 11 Ja 05, p.39-41. Col. Peabody, 6 Ja 05, p.14. Ct. Roberts, 4 Ja 05, p.24. Ill. Yates, 4 Ja 05, p.49. Ind. Durbin, 6 Ja 05, p.42-43. Kan. Hoch, 10 Ja 05, p.13-14. Mich. Warner, 5 Ja 05, p.11. Mon. Toole, 2 Ja 05, p.7. Neb. Mickey, 5 Ja 05, p.13. Nev. Sparks, 16 Ja 05, p.11-12. N. M. Otero, 16 Ja 05, p.34. N. Y. Higgins, 4 Ja 05, p.28. N. D. White, 4 Ja 05, p.21. Okl. Ferguson, 10 Ja 05, p.9. Pa. Pennypacker, 3 Ja 05, p.18-19. S. D. Herreid, 3 Ja 05, p.22-23. Tenn. Frazier, 3 Ja 05, p.19-23. U. Cutler, 10 Ja 05, p.37. W. Va. White, 11 Ja 05, p.65. Wis. La Follette, 12 Ja 05, p.103-4. Wy. Brooks, 11 Ja 05, p.23.

1675 Resources and attractions. Immigration

See also 2114, Emigrant agents

- a Id. Gooding, Bureau of Information, 5 Ja 05, p.16-17. N. C. Glenn, 11 Ja 05, p.4-6. S. C. Heyward, Department of Agriculture, Commerce and Immigration, 10 Ja 05, p.11-13.

- b **Ga. Terrell.** “. . . . Necessity of the state having an immigration agent or commission charged with . . . soliciting the immigration to Georgia of thrifty American people. . .” 28 Je 05, p.17
- c **Mass. Douglas.** “Some years ago the Bureau of Statistics of Labor obtained and published information in regard to abandoned farms. Nearly all of these farms have since been sold and are now in use. This bureau is now obtaining information in regard to industrial opportunities not yet utilized. The information collected will also show the location of land suitable for manufacturing purposes situated near railroads or in proximity to unused water power. . .”
5 Ja 05, p.47-48
- d **Minn. Johnson.** “Throughout the northern part of our commonwealth, large tracts of land are idle and unproductive because of the lack of people to till the soil. . . The establishment of a permanent bureau of immigration with sufficient funds to prosecute the work of urging settlers to locate here, would result in great good.”
4 Ja 05, p.14
- e **Tenn. Prazier.** “Tennessee should use all proper and legitimate means to attract to her borders worthy and progressive citizens and capital, that her resources may be developed and her wealth and productive energy increased. . . You should create a bureau of immigration and statistics, and the Governor should be authorized to appoint a suitable person to take charge of the work. . .”
3 Ja 05, p.24

1679

Banking

See also 500, Corporations; 843, Taxation of banking institutions

- a **N. H. McLane, Board of Bank Commissioners,** 5 Ja 05, p.6. **N. Y. Higgins,** 4 Ja 05, p.15-17. **Okla. Ferguson,** 10 Ja 05, p.17. **U. Cutler,** 10 Ja 05, p.23. **W. Va. White,** 11 Ja 05, p.62-63. **Wis. La Follette,** 12 Ja 05, p.100.
- b **Ari. Brodie.** “There seems to be necessity for the overhauling of the banking laws of the territory to the end that the Bank Examiner shall be vested with more authority. . .” 16 Ja 05, p.16
- c **Ind. Durbin.** “Recent developments have served to emphasize the demand for some form of state supervision of private banks. . .
I believe that our system of examination and supervision of banks operating under our state banking law and thereby inviting a larger degree of public confidence, should be extended to the kind and character of loans made from the funds thereof, to the end that worthless or doubtful loans may be promptly eliminated from any return of assets. . . The circulation of unfounded rumors adversely affecting the financial standing of any authorized bank or trust company should be defined by the law as a crime or misdemeanor, and punishment prescribed accordingly. . .”
6 Ja 05, p.29
- d **Ind. Hanly.** “. . . The number of private bank failures in this state within the last year constitutes irrefragable proof of the

need of legislation which will give the state authority to inspect and supervise every private firm, partnership or institution engaged in any manner in the banking business. . . . The sum required as capital I submit to your intelligent judgment, but it should be adequate in amount, taking into consideration the character of the community in which such bank is located. There should also be an inhibition against the loaning of money, either directly or indirectly, to any person, firm, copartnership or corporation, either as principal or surety, beyond a fixed and reasonable sum, taking into consideration the amount of paid-up capital of each institution. . . ."

9 Ja 05, p.16-17

e Mich. Bliss. Private banks should be brought under the jurisdiction of the State Commissioner of Banking. 5 Ja 05, p.24

f R. I. Utter. ". . . I call . . . attention . . . to the necessity of providing for the appointment of a commissioner who shall be given an oversight and control of all savings institutions doing business in this state and an authority to examine as to their condition and to use means, if necessary, to fully protect their depositors from loss. . . ." 5 Ja 05, p.8

g S. D. Herreid. "The new banking law went into effect July 1st, 1903. Its operation has been most salutary. However additional power should be given the Public Examiner. . . ." 3 Ja 05, p.25

1680 Inspection. Reports. Departments

a N. Y. Higgins. "The Superintendent of Banks should be directed by law to examine, at least once in every six months, the books and securities of all banks and trust companies." 4 Ja 05, p.16

b U. Cutler. ". . . I recommend that section 2441 of the Revised Statutes of Utah, 1898, which limits the authority of the Bank Examiner to the examination of corporate banks only, be amended to include private banks." 10 Ja 05, p.32

c Wash. Mead. ". . . With the purpose in view of protecting bank deposits, a system of state inspection of state, foreign and private banks should be provided. . . ." 11 Ja 05, p.29

1684

Capital

a W. Va. White. ". . . The present general banking law permits a bank to be started with a capital of \$25,000, but only requires that 40% of the capital be paid in. . . no bank ought to be permitted to continue in business with a minimum capital paid up of less than \$25,000, or certainly not after it has been in business for three years. . . ." 11 Ja 05, p.63

1691

Loans. Investments

a N. Y. Higgins. ". . . The provisions of the national bank act limiting the total liabilities for money borrowed by any person to 10% of the amount of the paid-in capital stock of the bank are to be commended. I recommend that, with reasonable exceptions as to the discount of strictly business or secured paper, the similar provision

in the state law be amended by fixing the amount to be loaned to the individual borrower as not more than 20% of the capital stock actually paid in."

4 Ja 05, p.17

1693

Officers. Meetings

- a N. Y. Higgins. "Bank directors should be compelled to make periodical examinations of the books of their institutions and should be held responsible for the thoroughness and sufficiency of such examinations."

4 Ja 05, p.16

1698

Trust and safe deposit companies

- a Pa. Pennypacker. "The question whether trust companies . . . should also be permitted to do an insurance, surety and guarantee business upon the same capital, which involves another kind of risk, is one of moment. . ."

3 Ja 05, p.11

1700 Reports. Inspection

- a S. D. Herreid. " . . . I believe that this Legislature should provide for a commission of five members who during the next two years could give this subject such consideration as its growing importance demands and report to the next Legislature recommendations for such legislation as the situation may require. . ."

3 Ja 05, p.34

1708

Savings banks

- a N. H. McLane, 5 Ja 05, p.5-6.

1712

Deposits

- a N. Y. Higgins. "Savings banks should be, if possible, limited to their original purpose . . . and the use of such institutions should be denied to people of wealth. . ."

4 Ja 05, p.16

1713

Investments. Reserves

- a N. Y. Higgins. "The list of securities in which savings banks may invest the money of their depositors should be extended only with the greatest caution and upon the most satisfactory evidence that the added line of investments is one that is safe and conservative, not only for savings banks, but also for trust funds. Special legislation enumerating the authorized investments should be superseded by a general law, establishing proper standards of safety."

4 Ja 05, p.16

1715

Mortgage, loan and investment companies

- a N. Y. Higgins. "Investment associations and concerns should be brought more strictly under state control, and such concerns whenever operating under unsafe and vicious systems should be suppressed."

4 Ja 05, p.16

- b Wis. La Follette. "It would seem that the law relative to investment companies should be so changed as to require a thorough examination into their character by the Commissioner of Banking, and his approval of their solvency and soundness, before being permitted to transact business in this state." 12 Ja 05, p.100

1718

Building and loan associations

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc. and in Massachusetts cooperative banks.

1720 Inspection

- a U. Cutler. "The operation of building and loan associations, both domestic and foreign, in the state, should be made the subject of careful examination and supervision. . . ." 10 Ja 05, p.23
- b W. Va. White. "The scope of this department [banking] should be enlarged so as to include the supervision of building associations. . . ." 11 Ja 05, p.63

1724

Loans. Investments

- a N. Y. Higgins. "Building and loan associations should without exception be prohibited from loaning their funds upon second mortgage." 4 Ja 05, p.16

1732

Insurance

See also 500, Corporations; 844, Taxation of insurance companies

- a Kan. Hoch, 10 Ja 05, p.18-19. N. Y. Higgins, 4 Ja 05, p.17. W. Va. White, 11 Ja 05, p.6-7.
- b Ill. Yates. ". . . The original laws regulating and governing the business of insurance were passed in 1869. . . . The present conditions and the experience of the past few years show the desirability of further amendments in some particulars—as provisions regulating . . . reinsurance . . . deposits . . . insurance . . . in unauthorized fire companies . . . and that the provisions regulating the investments of companies, which have remained practically as originally enacted, should be considered in the light of present conditions, giving to companies such latitude of investments, and such only as are consistent with safety to the insured. . . ." 4 Ja 05, p.31-32
- c Ind. Durbin. "Much has been accomplished toward the extinction of "wildcat" insurance in this state, but much remains to be accomplished before there is back of every insurance policy the guarantee of payment which is the right of every man who pays a premium. Our statute covering the class of securities foreign insurance com-

panies are permitted to hold should be broadened so that municipal and county bonds of other states may be included. . ."

6 Ja 05, p.33

- d **Minn. Johnson.** "There is need at this time for a general revision of our present insurance laws. . . Under the present law there is altogether too much latitude in the matter of reinsurance of the risks of other companies and this if permitted at all, should be authorized under such conditions that the rights of policy holders would not suffer thereby. The present law permits the collection of fees by the Commissioner, the propriety of which there is much doubt. . ."

4 Ja 05, p.13

- e **U. S. Roosevelt.** "The business of insurance vitally affects the great mass of the people of the United States and is national and not local in its application. It involves a multitude of transactions among the people of the different states and between American companies and foreign governments. I urge that the Congress carefully consider whether the power of the Bureau of Corporations can not constitutionally be extended to cover interstate transactions in insurance."

6 D 04, p.9

- f **W. Va. White.** ". . . The rates of insurance have been greatly increased, and exacting conditions imposed, which in many instances seem purely arbitrary and uncalled for. This state should have an insurance commissioner, either as a subordinate department to the Auditor's office or as an independent department of the government, as in other states. . ."

11 Ja 05, p.76

- g **W. Va. Dawson.** "If the late Legislature had adopted a code of insurance laws . . . and created the office of insurance commissioner . . . it would not only have added \$20,000 of revenue yearly to the state treasury, but it would also have given the people of the state much needed protection. . ."

4 Mr 05, p.5

1733 State departments

- a **N. M. Otero.** "I would earnestly renew my recommendation. . . for the creation of the office of insurance commissioner. . ."

16 Ja 05, p.18

1734 Examination. Reports

- a **Minn. Van Sant.** Fees for valuation of policies. "Work of this character should be performed by the Insurance Commissioner, and moneys derived should properly go to the state rather than to individuals. . ."

4 Ja 05, p. 21

- b **S. D. Herreid.** ". . . The fee system for examination of insurance companies, and for which they seem to expect to contribute from one to two hundred dollars, should be abolished. Nothing but the honesty of the Commissioner now prevents such 'examinations' of 119 companies once or twice a year, by which this office could be made to yield a revenue of at least \$10,000 per annum. The actual expenses of public officials (as well as salaries) should be paid out of the state's treasury. All proper charges for bona fide examinations should be paid to the state treasurer. . ."

3 Ja 05, p.31

1740

Combinations

- a **Kan. Hoch.** ". . . I wish to call your attention to the alleged evasions of the laws of 1889 and 1901, partly passed for the purpose of preventing the organization of trusts or combines in the insurance business. . . First, local boards were organized in the towns and cities, which fixed the rates on property, but these were short-lived, owing to the interference of the courts. Then, what was known, I believe, as the Clarkson rate, was established, which was also driven out of existence by the courts. But substantially the same rates have been restored under another name, prepared ostensibly by a private citizen, and are known as the advisory rates. . ." 10 Ja 05, p.18-19

1754

Life and accident

- a **Fla. Broward.** ". . . As it is always desirable that as much of the people's money shall remain at home as is possible, does it not argue strongly in favor of state insurance? May not the state issue policies and receive premiums therefor and after setting aside the proper reserve fund for the safe conduct of the business have a large surplus to be turned into the revenue fund of the state, thereby relieving direct taxation to that extent? . . . The amount of losses paid in 12 years has only been about 30% of the gross receipts for premiums of the life insurance companies doing business in this state. . . I therefore recommend that the Legislature enact such laws and take such measures as will be necessary to establish a life insurance business conducted by the state."

4 Ap 05, p.43-45

- b **N. Y. Higgins.** Special message recommending appointment of committee to investigate life insurance evils. 20 Jl 05

1761

Fraternal beneficiary societies

- a **Minn. Van Sant.** ". . . Laws should be passed making these companies or associations [fraternal] absolutely safe through requiring an accumulation of reasonable reserve funds." 4 Ja 05, p.20
- b **Mon. Toole.** Placing fraternal insurance companies doing business in this state under state supervision, and exacting from such a small fee sufficient to cover the expense of supervision, recommended. 2 Ja 05, p.4

1762

Accident, health and industrial insurance

- a **Or. Chamberlain.** ". . . It was to lessen this legal responsibility of the employer which gave birth to employers liability insurance. . . For a consideration paid by the employer (and sometimes it is charged, out of money deducted from the wages of the employee in the shape of his monthly hospital fee) to the insurance company, the latter contracts to discharge the liability of the former for damages sustained by the employee in the discharge of his duties

. . . The employer is in fact relieved from one of the penalties of his own carelessness, and knowing this, in many instances at least, becomes careless in the conduct of his business. . . The employer at the instance of the insurance company, refuses to pay the most meritorious claim for damages and resists payment to the last ditch. The employer is the nominal defendant in such actions, the insurance company the real defendant. . . The employee should be permitted to sue either the careless employer or the insurance company that offers a reward for carelessness, or both as he may elect. . ."

11 Ja 05, p.33-34

1764

Fire and other casualty

See also 791, Insurance of public property; 1092, Fires; 1893, Forest fires

- a Ark. Davis. ". . . I am no believer in fire insurance at the best. I believe that every old line company that is in Arkansas today is in a trust and would be stamped out of existence if the King anti-trust bill were to pass, which I sincerely trust it will, unless they should quit their trust relations; but as equally bad results happen to the very best class of our citizens, the poorer people by the frauds practised by some of the mutual wildcat companies, I call your special attention to them so that you may give this matter your careful consideration in the enactment of some law that will give reasonable protection to the policy holders to at least 50% of their gross income, no net income, for they never have any. Also compel them to file with the Auditor an indemnifying bond in the sum of \$50,000 annually, payable to the state for the use and benefit of their policy holders, and also make them file with the Auditor quarterly, full and complete statements showing in detail their financial condition." 11 Ja 05, p.27-28
- b S. D. Herreid. "Two years ago the Legislature passed what is known as the 'anticompact' and 'valued policy' laws. . . The practical effect of the valued policy law seems to be greater care on the part of the insurance companies in the selection of their risks, eliminating overvaluation of buildings and hence removing the temptation for criminal insurance. During the past two years there has been a substantial reduction in the rate of insurance in this state. The validity of the 'anticompact' law is now before the courts for determination." 3 Ja 05, p.30
- c Tenn. Frazier. "It is claimed that both the fire losses and the premium rates are proportionately higher in Tennessee than in many other states. . . ." 3 Ja 05, p.27-28

Combinations, see 1740

1769

Policies. Rates

- a Minn. Van Sant. ". . . It would seem that the claim that insurance rates should be lowered in Minnesota is well founded." 4 Ja 05, p.20

1795

Surety and guaranty companies

See also 1698, Trust companies

- a Ari. Brodie. ". . . I . . . recommend that the duties now required of the Governor regarding surety companies be imposed on the Auditor . . . and that all such corporations doing business in the territory be taxed in like manner as insurance companies, and the fees turned into the treasury. . . ." 16 Ja 05, p.11

1796

Acceptance on bonds

See also 467, Suretyship

- a Neb. Mickey. "Under a recent decision of the Supreme Court it is held that the statute is invalid which authorizes the execution and approval of official bonds with guaranty companies as sureties. The defect is technical and can be remedied. . . ." 5 Ja 05, p.20

1800

Navigation Waterways

See also 1139, Steamboats (safety); 1384, Canals; 1393, Bridges

1803

Harbors

- a Wash. Mead. ". . . I am of the opinion that a board or commission should be authorized . . . to suggest a plan. . . for legislative action in the interests of harbor improvements." 11 Ja 05, p.32

1805

Improvement of waterways (general)

See also 1676, Sewerage

- a Ill. Yates; 4 Ja 05, p.52.

1826

Agriculture

See also 956, Adulteration; 1144, Communicable diseases of animals; 2343, Agricultural schools

- a Ct. Roberts, 4 Ja 05, p.27. Fla. Broward, 4 Ap 05, p.45. Kan. Hoch, agriculture and horticulture, 10 Ja 05, p.19. N. H. McLane, 5 Ja 05, p.16-17. N. Y. Higgins, 4 Ja 05, p.20-21. Okl. Ferguson, 10 Ja 05, p.19. Or. Chamberlain, 11 Ja 05, p.14-15. S. C. Heyward, Department of Agriculture, Commerce and Immigration, 10 Ja 05, p.11-13. S. D. Elrod, 3 Ja 05, p.6. Tenn. Frazier, 3 Ja 05, p.24-25. Vt. Bell, 6 O 04, p.7. W. Va. White, 11 Ja 05, p.52-53.
- b Ill. Deneen. ". . . The Agricultural College of Illinois should be to our state what the Department of Agriculture is to the United States. It should be continually making experiments. It should keep in touch with discoveries made throughout the world and apply them to conditions here. . . ." 9 Ja 05, p.4

- c Mich. Bliss. ". . . The retiring Dairy and Food Commissioner prepared and introduced at the last session a bill providing for the appointment under that department of instructors . . . and the establishment of a system of state licensing of milk vendors. The department has detailed a regular inspector who has taken up the work of instruction and inspection but has not been able to accomplish the result it could, had it possessed the requisite authority and financial support." 5 Ja 05, p.16
- d U. S. Roosevelt. "The Department of Agriculture has grown into an educational institution with a faculty of 2000 specialists making research into all the sciences of production. The Congress appropriates, directly and indirectly, \$6,000,000 annually to carry on this work. . . ." 6 D 04, p.13

1828

Experiment stations

See also 2343. Agricultural schools

- a Okl. Ferguson, 10 Ja 05, p.26. U. Cutler, arid experimental farms, 10 Ja 05, p.27. W. Va. White, 11 Ja 05, p.39-41.

1829

Farmers institutes. Reading courses. Lectures

- a Mich. Warner, 5 Ja 05, p.11.
- b S. D. Elrod. "This Legislature should provide for the holding of farmers institutes under the supervision and direction of the Agricultural College. Every state in the Union, save two, provides for these institutes: South Dakota and Arkansas." 3 Ja, 05 p.6
- c S. D. Herreid. "Four years ago I recommended legislation providing for farmers institutes. South Dakota, one of the greatest agricultural states, is conspicuous by being 'the only state making no provision for these institutes.' . . I believe an appropriation should be made for farmers institutes under the direction of the president of the Agricultural College." 3 Ja 05, p.36-37

1831

Needy farmers. Loans etc.

- a N. M. Otero. ". . . I recommend to you the propriety of making a special contribution of money for the relief of the . . . [flood sufferers] and also that you also make an additional provision to furnish those who are in need of it with seed for planting their crops for the coming season. . . ." 16 Ja 05, p.30

1840

State associations and fairs

- a Mon. Toole, 2 Ja 05, p.6. S. D. Herreid, the State Fair, 3 Ja 05, p.31. U. Cutler, state fairs, 10 Ja 05, p.21.
- b Mich. Bliss. Continued support to State Fair recommended. 5 Ja 05, p.1

1844

Horticulture. Diseases and pests*See also 1630, Encouragement of industries*

- a Id. Gooding, 5 Ja 05, p.14. U. Cutler, 10 Ja 05, p.39.
- b Cal. Pardee. ". . . Through an arrangement effected by the Horticultural Commissioner with the government of West Australia, Mr George Compere, the Entomologist, was sent, during the past year, upon an extended journey in South America, Europe, and Asia Minor, at the joint expense of these two states. His principal mission, so far as this state is concerned, was to discover a parasite of the codling moth, an insect so destructive that it has been estimated it takes annually 40% of the pear and apple crops. . . . The citrus industry being now menaced by the threatened introduction of the Morelos orange-maggot . . . it is proposed that California shall cooperate with Mexico with a view to discovering some means of combating the insect in the Mexican orchards." 2 Ja 05, p.46-47

1846

Boll weevil

- a Tex. Lanham, 12 Ja 05, p.15

1856

Noxious animals. Bounties

- a U. Cutler. ". . . While the law providing a bounty for the destruction of wild animals is commendable, and its enforcement has been productive of great good, the state finances will not, in my opinion, permit of so large amounts being paid for this purpose. I therefore recommend that the law be amended so as to provide that when the fund for this bounty is exhausted, the State Auditor shall be required to give public notice of that fact, and that liabilities against the state on that account shall cease from that time. It should be made impossible to create a deficit." 10 Ja 05, p.7-8
- b Vt. McCullough. ". . . I recommend that the law relating to bounties for the killing of noxious animals be repealed. In the last biennial term the state has paid on this account \$19,821.80 and in my judgment has not been correspondingly benefited." 6 O 04, p.6-7

1874

Wolves. Coyotes. Lynx. Wildcats. Bears etc.

- a Wy. Brooks, Wolf bounty. 11 Ja 05, p.25
- b U. Cutler. "I am informed . . . that there is great difficulty in distinguishing between coyote and wolf scalps, and it is believed that in many instances the bounty of \$5, allowed for the killing of a wolf, is paid for a coyote. I therefore recommend that the bounty for these two animals be made uniform." 10 Ja 05, p.8

1875

Domestic animals*See also 896, Cruelty to animals; 961, Milk and milk products; 1144, Communicable diseases of animals*

- a Minn. Johnson, 4 Ja 05, p.18.

AGRICULTURE

- b Mich. Warner. "It is my belief that the Dairy and Food Department should be so broadened in its scope that an opportunity may be given to foster and encourage the dairy interests of the state. . ."

5 Ja 05, p.9

- c Or. Chamberlain. "Since the last session of the Legislature, range difficulties in Lake and Crook counties have reached an acute stage, resulting in the wilful killing of many hundred sheep, and it is charged, in the loss of one human life in the former county. . ."

11 Ja 05, p.37

1877

Running at large

- a Okl. Ferguson, 10 Ja 05, p.6.

1890

Forestry

- a Minn. Van Sant, 4 Ja 05, p.29-30. N. H. McLane, 5 Ja 05, p.11-12. N. J. Stokes, 17 Ja 05, p.19-21. N. Y. Higgins, 4 Ja 05, p.25-27. Or. Chamberlain, 11 Ja 05, p.41-44. Wis. La Follette, 12 Ja 05, p.96.

- b Cal. Pardee. ". . . There will be laid before you a carefully drawn bill providing for a definite forest policy for California. . . In the event that the Legislature is unable to see its way clear to adopt a perfected forest preservation policy at this time, may it not be wise to attempt at least tentative legislation looking to that end?"

2 Ja 05, p.26

- c Col. Peabody. "Tending to aid in the preservation of the state's forest lands, provision should be made for a state forester, on pay, and a law should be passed making it optional, in specified cases, for the State Land Board to sell or to refuse to sell timber lands. . ."

6 Ja 05, p.6-7

- d Or. Chamberlain. ". . . So long . . . as all our timbered lands are either within reserves or in private ownership, I can see no good reason why the people of the state should be heavily taxed to protect them. There is no objection to the creation of a commission and the appointment of wardens and rangers with ample power to protect the forests of the state if the corporations and individuals who own them will pay the expenses."

11 Ja 05, p.44

- e Vt. McCullough. ". . . Let a commission be appointed by the Governor . . . to adopt a comprehensive forestry policy for the state, and a plan for the protection and replanting of the forests, for the study of their quality and composition, the conditions necessary for successful reproduction of the most valuable trees, the prevention of forest fires, the relation of the growth of forests to humidity and the rain fall, and to designate methods by which lumbering operations may be best carried on so as to leave the lands cut over in a condition which will more readily admit of forest reproduction. . ."

6 O 04, p.25

- f W. Va. White. "The necessity is now upon the people of the Ohio valley and the important tributaries thereto, which includes nearly the whole area of this state for perpetuating and increasing our forest

area in the Appalachian region. . . It has been suggested that the statutes creating the West Virginia Geological Survey be amended so as to require the accumulation and publication of all the facts relating to forest areas in this state. . . " 11 Ja 05, p.74-75

1892

Bounty. Exemption

- a **Mass. Douglas.** ". . . I recommend to your consideration the expediency of legislation which, under proper safeguards, shall provide that lands devoted to forestry shall be taxed only on their product as cut." 5 Ja 05, p.37-38
- b **Minn. Johnson.** ". . . The general laws of 1873 provided compensation for planting and cultivating trees on prairie land and along highways. The paying of compensation in the form of bounties for planting trees on highways was later discontinued, but bounties for tree planting on prairie land aggregating \$20,000 a year have since been paid. . . The question has been raised as to whether this system of tree planting bounties has not served its purpose, and could now be discontinued. . . " 4 Ja 05, p.18-19
- c **S. D. Herreid.** "The repeal of the timber culture law was a calamity to the state. . . In 1885 and again in 1890 laws were enacted providing for a bounty for tree planting, but under conditions then prevailing and the inadequate inducement, practically nothing was accomplished. I earnestly recommend the enactment of laws which will provide shade and ornamental trees and shrubs for school grounds and public highways, and also encourage planting wood lots for commercial and climatic considerations." 3 Ja 05, p.35

1893

Forest fires

- a **Fla. Broward.** "Game wardens could, under a proper law for the protection of our forests from fire, be made also fire wardens and be of untold value to this state. . . " 4 Ap 05, p.47
- b **Minn. Johnson.** ". . . The forest preservation act of 1895 made town supervisors in the vicinity of forests and prairie lands fire wardens, and made it their duty to take necessary precaution for the prevention as well as the extinguishment of fires. The lack of proper compensation has resulted in very inefficient service on the part of wardens thus selected. The United States Forestry Bureau after careful consideration, has drawn a bill for the state of California which provides for the appointment of competent persons to serve as fire wardens, the expense to be paid by the state which is to collect half the amount from the counties in which the expense occurred. . . " 4 Ja 05, p.19
- c **Pa. Pennypacker.** "I recommend . . . that the railroad corporations . . . be required . . . to put out all fires within 100 feet of their tracks, except in municipalities. No doubt, under its police power, the state could prevent the use of fire as a danger and, if so, such an act which would be in effect permitting the use of fire upon condition would probably be held to be constitutional. . . "

AGRICULTURE

I recommend the passage of a law requiring all persons and corporations who may hereafter, for any reason, fell forest timber, to remove from the woods, when they take away the lumber, all other parts of the trees, and imposing a sufficient penalty in the event of failure to comply. . . ." 3 Ja 05, p.4-5

1894

Forest preserves

- a **Minn. Johnson**, 4 Ja 05, p.19. U. S. Roosevelt, 6 D 04, p.16-18.
- b **Id. Gooding**. ". . . It is said that our forests will reproduce themselves as fast, if not faster, than those of any other state in the Union. We should take advantage of this fortunate condition and throw such safeguards around our timber and timber lands as will perpetuate our forests for all time. Minnesota has followed this idea in dealing with her timber lands that belong to the schools, and already three crops of timber have been sold from the same lands, bringing in millions of dollars to the school fund. Colorado also has a recent law providing for the preservation of her forests from waste and from fires, and providing a way to dispose of the timber of proper age, and reserving to the state the remainder. I recommend this feature of the law of Colorado as worthy of your consideration. . . . I am reliably informed that some of the lumber companies, or their successors, who purchased large tracts of timber from the state three or four years ago, under a contract to remove it from the land in 20 years, will ask you to pass a law at this session giving them 20 years more time for the removal of this timber. . . . I know of no reason why this extension should be granted. . . ." 5 Ja 05, p.13-14
- c **Ind. Durbin**. ". . . The last General Assembly passed an act authorizing the State Board of Forestry to purchase 2000 acres of land . . . for the purpose of establishing a state forest reservation, laboratory of forestry demonstration and state nurseries. . . . The reserve promises to become a permanent experimental and educational institution for the advancement of forestry in the state. . . ." 6 Ja 05, p.32
- d **Mich. Bliss**. ". . . The Legislature of 1903 gave to the [Forestry] Commission power to establish a state forest reserve in Crawford and Roscommon counties, the same act providing for the appointment of a forest warden. The report shows that opposition to this legislative action from the people of these two counties has been turned into active cooperation as the benefits to be derived from such a system have become apparent, and the further utilization of the vast areas of tax lands for the purpose of producing valuable forest products and an attendant conservation of values in the state is worthy of most serious consideration. . . ." 5 Ja 05, p.14
- e **N. J. Stokes**. ". . . We have thousands of acres of land in this state, part of it mere brushland, part of it abandoned and waste, all of it unsightly, and all capable of growing trees that would beautify the landscape, afford attractive driveways, furnish places of recreation for the well, and health resorts for the sick, and be a source of income to our commonwealth. Much of this land can be purchased

for \$1 an acre, and in some cases can be obtained for taxes. I suggest this subject for your consideration and recommend that within proper limits the state, by purchase or by condemnation, secure this waste and unprofitable land and develop it as forestry reserves. . . ."

17 Ja 05, p. 21

- f N. Y. Higgins. Special message on state forest preserve: recommended that (1) proposed constitutional amendment permitting removal of burnt timber be not submitted to people; (2) laws be passed to more effectually prevent trespass; (3) constitutional amendment be submitted permitting sale of other than wild forest lands. 9 Mr 05

- g Pa. Pennypacker. "The state now owns 544,958 acres of land for forestry reservation purposes. . . . While it is continually adding to its purchases for this purpose, it is by a strange anomaly also continually making sales of lands at a merely nominal price under old acts which have never been repealed, relating to the disposition of unseated lands. . . . I recommend that legislation be at once enacted that the Board of Property dispose of no lands belonging to the state until they have been first examined by the Commissioner of Forestry to ascertain whether they are adapted for forestry purposes, and if found to be so fitted that they be retained for these purposes, and that when lands are sold by the Board of Property they be sold at public sale to the highest bidder."

3 Ja 05, p. 4

1896

Lumber

See also 778(5, Public lands

- a Wash. Mead. "The lumber and shingle industry . . . at present has not that prosperity which is considered normal. I recommend that you consider carefully the proposed legislation . . . to the end that you may enact laws that . . . will tend to restore prosperous conditions to the industry."

11 Ja 05, p. 34

1900

Game and fish

- a Minn. Van Sant, 4 Ja 05, p. 28-29. N. H. McLane, 5 Ja 05, p. 18-19. N. Y. Higgins, 4 Ja 05, p. 25-27. Okl. Ferguson, 10 Ja 05, p. 8-9. Or. Chamberlain, 11 Ja 05, p. 13. Tex. Lanham, fish and oyster industry, 12 Ja 05, p. 13-14. Wis. La Follette, 12 Ja 05, p. 102. Wy. Brooks, 11 Ja 05, p. 15.
- b Ari. Brodie. ". . . I . . . recommend that this [Fish and Game] Commission be abolished and an act passed providing for the appointment of one Fish and Game Commissioner at a fair and reasonable compensation. . . ."
- c Del. Hunn. Special commission should be appointed to revise laws relative to fish and oysters in state waters. 3 Ja 05, p. 24-25
- d Fla. Broward. "The present system, which leaves to the counties, at their pleasure the appointment of game wardens, and lax enforcement of the game laws will, in a few years, result in the complete de-

16 Ja 05, p. 18

- struction of the game of this state. I believe that game wardens charged with the rigid enforcement of carefully drawn game laws, providing for a sufficient license to be paid by those persons hunting or taking game, to pay the expenses of executing the game laws, would be of great benefit to the state. . . ." 4 Ap 05, p.47
- e Ill. Deneen. ". . . The fish industry of this state began in 1879. By reason of the laws enacted in this state, the Illinois river now furnishes more fish to the markets than any other in the United States, with the single exception of the Columbia river in Oregon. In 1901 the output from the Illinois river alone aggregated 17,000,000 pounds, which brought three quarters of a million dollars to the towns along that river. . . ." 9 Ja 05, p.4
- f Ill. Yates. "I would recommend that the [fish] warden service be increased so that the entire state might be practically covered. A uniform code of laws applicable to all bordering states is asked for, and would do very much toward bringing about a better protection for our game fish and food fish." 4 Ja 05, p.35
- g Ill. Yates. "Under the new game law passed by the last Legislature, all kinds of native game in the state of Illinois, except deer and turkey, have increased rapidly. Prairie chicken, the stock of which had become very low, have increased about 100%, and a conservative estimate places the increase in quail at 50%, with all other small game showing equally well. . . Under the system of hunter's license the department has been more than self-supporting, and a small surplus has accumulated in the game protection fund, which surplus should be used for propagating small game, and for buying grain, and for the work of feeding it to the small game during extreme weather in winter. . . The price of the resident hunter's license should be reduced to 75c. . . ." 4 Ja 05, p.36-37
- h Kan. Hoch. "The last Legislature established a state fishery near the town of Pratt, in Pratt county, and made a small appropriation to inaugurate that important enterprise. . . I think the fish and game interests should be consolidated and one man empowered to look after both of them. . . I recommend the enactment of a law imposing a heavy license upon nonresident sportsmen who ply their vocation within our borders." 10 Ja 05, p.7
- i Mich. Bliss. The game and fish laws should be revised. 5 Ja 05, p.24
- j Minn. Van Sant. Regulation of fishing in interstate waters. 4 Ja 05, p.29
- k N. D. Sarles. "My attention has been directed to the inefficiency of our present game and fish laws. . . I recommend the repeal of the present statute and the adoption of one based upon the experience that has proven valuable in other states, fully covering the defects and omissions of the present laws." 4 Ja 05, p.5
- m Pa. Pennypacker. "The efforts for the preservation of the forests, the game and the fish, all of which the state has undertaken, seem to look to the accomplishment of ends closely related, and it is well

worthy of consideration whether better results could not be secured by a combination of them. . . ." 3 Ja 05, p.4

- n S. C. Heyward. "These interests [fish and oyster] are of more importance to our state than seems to be realized, and at present they are practically neglected. . . I recommend, therefore, that a commission be appointed, whose duty it shall be to make a thorough examination of this subject, to report at your next session." 10 Ja 05, p.28-29

- p S. D. Herreid. "South Dakota needs what nearly every other state now has, a State Game Warden. . . It should also be made the duty of the State Game Warden to stock the streams and lakes of the state with fish. . . A law should be passed giving Game Wardens concurrent jurisdiction over lakes and streams constituting the boundary line between states. It should specifically be made a penitentiary offense for one man to shoot another while hunting deer or large game. This form of manslaughter should not be tolerated as "accidents."

The following amendments are also recommended: (1) Hunting on Sunday should be prohibited with penalties same as hunting out of season. (2) The spring shooting of all game should be prohibited. (3) All hunters' licenses to be issued by the State Game Warden and good throughout the state. (4) License fee for small game 50c for residents; and \$10 for nonresidents; large game, residents \$3; nonresidents \$25. (5) License money to constitute a fund for payment of State Game Warden's salary, expenses for enforcement of all game and fish laws, and propagation of game and fish. . . ." 3 Ja 05, p.39-40

- q U. Cutler. "The Fish and Game Commissioner has presented a report, with recommendations as to needed amendments in the present law. . . It is recommended that steps be taken to replenish the state supply of wild game, in some such way as the supply of fish is increased. Also, that greater power be given the State Game and Fish Commissioner, with reference to protecting the fish in the various lakes and ponds used for irrigation reservoirs. It is suggested that money be appropriated for increasing the capacity of the State Fish Hatchery. . . It also seems desirable that the State Commissioner be given more authority, with reference to the appointment of fish and game wardens for each county; and that the salaries of these officers be paid out of the state treasury. . ." 10 Ja 05, p.38

1904

Enforcement. Fines

For game wardens *see* 1900

- a Mich. Bliss. The law providing for seizure of hunting and fishing appliances found in illegal use should be amended so that cases where the value of the property exceeds \$100 shall be Circuit Court action.

5 Ja 05, p.24

- b Okl. Ferguson. ". . . Imprisonment should be added as one of the penalties for violating the game laws. . ." 10 Ja 05, p.9

Game

See also 1856, Noxious animals

1909

Propagation. Game preserve

- a U. S. Roosevelt. "In connection with the work of the forest reserves I desire again to urge upon the Congress the importance of authorizing the President to set aside certain portions of these reserves or other public lands as game refuges for the preservation of the bison, the wapiti, and other large beasts once so abundant in our woods and mountains and on our great plains, and now tending toward extinction. . ."

6 D 04, p.19

1915

Antelope

- a N. M. Otero. ". . . I would suggest a statute that would prohibit the killing of antelope, mountain sheep, etc., for 10 years. . ."

16 Ja 05, p.25

1947

Game birds

1949 Anatidae

Waterfowl: swan, goose, duck, brant

- a Wis. La Follette. "There will no doubt be brought to your attention measures . . . to repeal that portion of the law of 1903 which allows the shooting of aquatic fowl during 15 days in the spring of the year. . . The shooting of the fowl in the spring drives them away from our waters and they go elsewhere to mate. . ."

12 Ja 05, p.102

1950 Gallinae

Black game capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a Wy. Brooks. "Owing to the destruction of many of our ranges by grasshoppers, and the consequent serious loss to many of our stock-growers, I recommend that sage chickens be protected for five years."

11 Ja 05, p.15

1959

Fish

1961

Fish culture

- a Wy. Brooks. ". . . I recommend that this Legislature investigate the methods of fish culture pursued in other states, with a view of placing our fish hatcheries on a more economical basis."

11 Ja 05, p.15

1986

Salmon

- a Or. Chamberlain. ". . . The conflict between the upper and lower river fishermen and packers seems irrepressible and irreconcilable, and besides there is a lack of uniformity between the laws of Washington and Oregon. . . Under these circumstances, I suggest the appointment of a commission composed of men in no way connected with the business of fishing to take evidence, collect data,

examine our own laws and those of Washington. . . . It is my candid opinion that unless this is done, nothing will ever be accomplished in the way of salmon propagation and protection."

11 Ja 05, p.16

- b Wash. Mead. ". . . We can well afford to use every means within legislative power to promote the industry and to increase the supply of salmon inhabiting the waters of Puget sound and the Columbia river."

11 Ja 05, p.34

2011

Oysters

- a Fla. Broward. "In our extensive oyster beds and numerous available locations for their planting and extension in our state, the wasteful and extravagant methods of taking oysters now in vogue should be regulated so as not to injure the beds; while a system of license fees and rentals, as practised in other states, would produce a sufficient revenue to properly police and protect the grounds now used, and to plant others, making a most valuable addition to the state's already growing natural resources."

4 Ap 05, p.48

2020

Mines and mining

See also 500, Corporations; 846, Taxation; 2349 Mining schools. For labor in mines see 2040

- a Cal. Pardee, 2 Ja 05, p.47. Id. Gooding, 5 Ja 05, p.15. S. D. Herreid, 3 Ja 05, p.31. W. Va. White, 11 Ja 05, p.50-51.

2024 Corporations

- a Wash. Mead. ". . . The 'wildcat mining' industry, however, should be exterminated, as it has retarded legitimate mining investments. . . ."

11 Ja 05, p.34

2035

Petroleum. Gas

See also 1493, Petroleum products (inspection)

- a Kan. Hoch. "The marvelous development of the gas and oil resources of the state . . . imposes a duty upon this Legislature . . . One phase of the subject is of vast immediate importance, and that is, how to save the gas for the development of manufactories on Kansas soil. . . . Whatever may be the limitations of power of the state in reference to piping the gas beyond its borders, one duty clearly within its power demands immediate performance. Vast amounts of gas are constantly going to waste in all the gas fields of the state—a condition which Indiana and other states have learned, to their sorrow, should not be permitted to continue. . . . Our oil interests are also in jeopardy. . . . Rather . . . than permit the great monopolies to rob us of the benefits of the vast reservoirs of oil which have been stored by the Creator beneath our soil, I am inclined to waive my objection to the socialistic phase of this subject and recommend the es-

establishment of an oil refinery of our own in our state for the preservation of our wealth and the protection of our people. . ."

10 Ja 05, p.10-11

- b W. Va. White. ". . . The depletion of our natural gas resources by the heavy exportation of this product outside of our state, and the appliances now used for pumping and sucking the gas out of the ground, have awakened the apprehension and thoughtful consideration of all citizens of our state who are directly or indirectly in touch with the territory which produces this valuable fuel. . . Laws should be passed to prevent the wastage of natural gas in the oil-producing business, and prohibiting persons from allowing the escape of natural gas from the wells into the air, as well as controlling and regulating the marketing of the product, as far as possible."

11 Ja 05, p.78-79

2039

Phosphate mining

- a S. C. Heyward. "I regret to report to you that the mining of phosphate rock in our rivers has, for the present at least, practically ceased. . . During the past year several applications were made for a reduction of the royalty, which is now 25 c per ton. . ."

10 Ja 05, p.28

2040

Labor

See also 354, Convict labor; 1099, Buildings, sanitation and safety

- a Ill. Yates, 4 Ja 05, p.26-27. Ind. Durbin, 6 Ja 05, p.28-29. Kan. Hoch, 10 Ja 05, p.10. Minn. Van Sant, 4 Ja 05, p.21-22. N. H. McLane, 5 Ja 05, p.19. N. J. Murphy, 10 Ja 05, p.14, 16. N. M. Otero, 16 Ja 05, p.19-20. U. S. Roosevelt, 6 D 04, p.2-3. W. Va. White, 11 Ja 05, p.67-68.
- b Ct. Roberts. ". . . Legislation necessary to further protect and preserve the health and lives of the working people, to guard them against injury and accident, and to prevent the employment of women and children in dangerous occupations should be enacted; for whatever safeguards the health of the employees of our industrial establishments improves their efficiency and increases the prosperity of the state."
- 4 Ja 05, p.23
- c Mass. Douglas. ". . . It is because Massachusetts has been foremost of all states in the enactment of laws for the welfare of its workers that she is a leader among the manufacturing commonwealths. . ."
- 5 Ja 05, p.20
- d Mich. Bliss. Legislation recommended, amending factory inspection laws so as to require reporting of all accidents in factories to the Commissioner of Labor on blanks to be furnished by that official.
- 5 Ja 05, p.23
- e N. Y. Higgins. "Uniformity of legislation on the subject of labor is a matter which should be strongly urged by the state of New York, in order that the condition of women and children may be ameliorated

throughout the country and in order that the industries of the state may be relieved from the unfair competition of those states which place no restriction upon the subject. . . ." 4 Ja 05, p.20

- f Or. Chamberlain. "Demand has been made in certain quarters for a repeal of the act creating the Bureau of Labor Statistics and Inspector of Factories and Workshops. The demand should be ignored. . . ." 11 Ja 05, p.16

- g R. I. Utter. "I would urge that the General Assembly give careful consideration to a measure which will be presented providing for an enlargement of the work of the factory inspectors and for certain changes in the factory inspection law. . . ." 5 Ja 05, p.11

- h U. S. Roosevelt. ". . . It is greatly to be wished that the Department of Commerce and Labor, through the Labor Bureau, should compile and arrange for the Congress a list of the labor laws of the various states, and should be given the means to investigate and report to the Congress upon the labor conditions in the manufacturing and mining regions throughout the country. . . Such investigation and publication by the national government would tend toward the securing of approximately uniform legislation of the proper character among the several states." 6 D 04, p.5

- i Wis. La Follette. ". . . I would . . . recommend that the Bureau [of Labor Statistics] be authorized to issue quarterly bulletins upon industrial subjects. . . I would recommend the enactment of a law requiring employers to keep detailed records of all accidents to persons in their employ and to report the same. . . The force of factory inspectors . . . is inadequate. . . ." 12 Ja 05, p.99

2044

General workshop regulations

See 2040, Labor

2052

Safety of employees

See also 2125, Employers liability

- a Ill. Deneen. ". . . Under our present law, the employee in many instances assumes the risks of dangerous occupations. . . The state therefore will be called upon to enact laws to protect the citizen against unnecessary hazards in such occupations. . . ." 9 Ja 05, p.7

- b Ill. Yates. ". . . A law should be enacted to compel employers to place proper guards over dangerous and hazardous machinery." 4 Ja 05, p.30

2063

Mines

See also 2020, Mines and mining

- a Tenn. Frazier, 3 Ja 05, p.26. Wy. Brooks, Coal mines inspectors. 11 Ja 05, p.12.

- b Mon. Toole. Qualifications for State Coal Mine Inspector should be made less stringent. Provision should also be made for his removal for cause by District Court. 2 Ja 05, p.5

LABOR

- c **Nev. Sparks.** "It has been frequently suggested that a State Mining Inspector be appointed. . . By giving this subject due consideration you will favor the desire of miners and others interested."

16 Ja 05, p.15

- d **U. Cutler.** ". . . The State Inspector recommends that the mining law be further amended, by a provision regulating the kind of illuminating and lubricating oil that may be taken into the mines, and giving the Mine Inspector power to regulate the blasting in coal mines, in such a way as to prevent the undue vitiation of the air with powder smoke. . ."

10 Ja 05, p.36

- e **W. Va. White.** ". . . It is . . . necessary that the Mine Inspector's force should be increased by five additional inspectors. . ."

11 Ja 05, p.51

2064 Health and comfort of employees

- a **Mass. Douglas,** 5 Ja 05, p.20.

- b **Mon. Toole.** "Information has just reached me through the Inspector of Mines that the sanitary conditions of the Butte mines is very bad. . . I quote the following for your information from the manuscript in my office . . . Absolutely no provision is made for protecting the health of these men in a sanitary way. I therefore strongly and earnestly recommend that a law be enacted which shall provide for such sanitary regulations in mines and underground workings, as will give the miner, in a small measure at least, the benefit of like sanitary laws obtaining and in force in our towns and cities. . ."

2 Ja 05, p.10-11

2065 Ventilation.

- a **W. Va. White.** "The Chief Mine Inspector renews his recommendation for the enactment of a law requiring mine bosses to make a record of the currents of air within the mines. . ."

11 Ja 05, p.52

2082

Sweat shops

- a **Ill. Yates.** ". . . A law should be enacted requiring manufacturers of clothing to take out licenses. . ."

4 Ja 05, p.30

2085

Hours

See also 2113, Employment

- a **Col. Peabody.** ". . . The platform adopted by the last republican state convention pledged the enactment of a reasonable, just and equitable eight hour law, and I hope and trust that such a law will receive your early consideration and prompt enactment."

6 Ja 05, p.18-19

- b **Col. Adams.** "An honest eight hour law" recommended.

10 Ja 05, p.5

- c **Mass. Douglas.** "From the mills, factories and workshops in all sections of the commonwealth there comes an appeal that should not go unheeded. It is the petition of the women and minors for the enactment of a law prohibiting the overtime work in factories and mills after a reasonable hour. . ."

5 Ja 05, p.19-20

2096

Public work

- a **Mass. Douglas.** "The movement for the shorter workday is progressing. Most of the cities and towns of the state are on record as favoring and practising it; but, singularly, the commonwealth itself has been backward in adopting such legislation as would place our state in line on this question." 5 Ja 05, p.19

2113

Employment

- a **Mass. Douglas.** "I . . . wish to urge upon you the necessity for doing what is possible to secure the enactment by other states of laws similar to those of Massachusetts concerning child labor and the employment of women." 5 Ja 05, p.20

2114 **Employment offices. Emigrant agents**

- a **Or. Chamberlain.** "Stringent laws should be enacted for protecting those seeking employment against dishonest and irresponsible employment agencies. . ." 11 Ja 05, p.34

2115 **Free employment bureaus**

- a **Mass. Douglas.** ". . . I would . . . suggest the advisability of obtaining and publishing . . . information in regard to unemployed labor . ." 5 Ja 05, p.48

2118 **Children**

See also 2172, Children (dependent and neglected); 2270, Compulsory attendance

- a **N. Y. Higgins.** "New York is in advance of most of the states of the Union in the matter of legislation on the subject of child labor. The law, however, is not rigidly enforced and the lack of proper legislation in neighboring states makes it difficult to establish proper restrictions upon the work in this state. . ." 4 Ja 05, p.20
- b **N. C. Glenn.** " . . . Owing to the fact that in certain mill districts parents will not send their children to school, it might prove a wise measure to amend the law fixing the age limit of children working in factories, so that while children who can read and write can be admitted at 12 years of age, those not able to do so can not commence work until they are of the age of 14 thus giving an incentive to both parent and, child for the child's education." 11 Ja 05, p.7
- c **Or. Chamberlain.** "A law was passed at the last session of the Legislature regulating the employment of children and appointing a board of inspectors of child labor to carry out the provisions of the act, to serve without compensation. There was not even an appropriation made to defray the actual expense incurred in the work necessarily devolving upon them. . . I call particular attention to the report of the inspectors, and earnestly recommend that the amendments to the law as proposed by them be adopted at this session. . ." 11 Ja 05, p.15

LABOR

- d R. L. Utter. ". . . The present law should be so changed as to make the age limit for children employed in any manufacturing or mercantile concern agree with that required for school attendance under the public school law, and the factory inspectors should be given the same authority to require proof of a child's age when employed as is now given to the school authorities in matters relating to school attendance. . . ." 5 Ja 05, p.11-12

2124

Seamen

- a Or. Chamberlain. Sailor boarding houses. ". . . There are but two amendments that I would suggest. First, that the power of appointment of the commission should be vested in the Executive of the state, where it is lodged by the Constitution, and, second, there should be exempted from the payment of licenses the Seaman's Institute, or any organization which undertakes, from motives of philanthropy and charity, to find positions for sailors desiring them. . . ." 11 Ja 05, p.50-52

2125

Employers liability. Insurance

See also 1732, Insurance; 1762, Industrial insurance

- a Minn. Johnson. ". . . Whatever may have been said as to the propriety of the common law doctrine in the past, it is entirely unsuited to the present era when high geared and dangerous machinery performs such a large part in the production of manufactured articles. . . . The true rule is, that the industry should bear the risk, and not the unfortunate workmen who are now daily deprived of the means of earning a livelihood by those appalling accidents which are occurring with more and more frequency of late." 4 Ja 05, p.12
- b Mon. Toole. "An efficient fellow-servant law should be passed, furnishing adequate protection to all classes of workmen engaged in hazardous occupations, and especially to all railroad, mining and smelter employees." 2 Ja 05, p.4-5
- c Or. Chamberlain. ". . . All that was said in my last message in behalf of railway employees and in advocacy of the act passed for their protection applies with equal force to all who are engaged in every other form of hazardous employment. A general statute should be passed at this session applicable to all such employments. . . ." 11 Ja 05, p.31-32
- d U. S. Roosevelt. ". . . In my message to the 57th Congress, at its second session, I urged the passage of an employers liability law for the District of Columbia. I now renew that recommendation, and further recommend that the Congress appoint a commission to make a comprehensive study of employers liability with the view of extending the provisions of a great and constitutional law to all employments within the scope of federal power." 6 D 04, p.3
- e W. Va. White. "In the preceding Legislature a bill was introduced, which passed one house, fixing and defining the liability of rail-

road companies for injuries to their servants or employees resulting from the carelessness or negligence of a fellow-servant or employee. This bill was based upon provisions of similar statutes in the states of Ohio and Virginia, and I respectfully call the attention of the Legislature to the advisability of enacting such legislation. . ."

11 Ja 05, p.68

2126

Railroads

- a Ark. Davis. Fellow-servant doctrine should be abolished. 11 Ja 05, p.24-26
- b Wis. La Follette. ". . . Chapter 448, of the laws of 1903, was enacted and became the law by my approval. Its provisions fall far short of doing justice to the railroad employee. . ." 12 Ja 05, p.66-67
- c Wis. La Follette. Special message in regard to railroad accidents and employers liability therefor. 20 Ap 05, 8 p.

2134

Labor disputes

2136

Conciliation and arbitration

- a Ill. Yates, 4 Ja 05, p.28.
- b Col. Peabody. "A constitutional amendment providing for compulsory arbitration in specified cases where industrial conflicts threaten to unsettle conditions of peace and prosperity in the state should receive your earnest investigation. Such an amendment, permitting the review by the Supreme Court of the state of the findings reached by the arbitrators, might be considered advisable. This suggestion is promised, however, on the supposition that one side or the other has some better claim to the consideration of an arbitration board than the mere use of force. The present Arbitration Board has no certain and effective power, and, being impotent, should be abolished." 6 Ja 05, p.18
- c Col. Adams. An amendment to the arbitration law requiring a compulsory submission of any grievance or difference between employer and employees recommended. "This is not compulsory arbitration, nor does it lead to a compulsory decree, but it does compel a conference, and where the parties to an industrial conflict honestly confer, a settlement is almost certain. . ." 10 Ja 05, p.5
- d Ct. Roberts. ". . . The State Board of Mediation and Arbitration, authorized by a provision of our statutes, has not the power to call witnesses, and enforce their attendance, nor to thoroughly investigate differences that may arise. Sufficient additional power should be conferred upon this board to call for the production of evidence from public service corporations, and this board should have the power to act whenever either party to a difference between capital and labor, connected with said corporation, desire an investigation. . ." 4 Ja 05, p.22
- e Ill. Deneen. ". . . The state should gather all facts relating to disputes of any importance and publish them in convenient form

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for distribution as a guide to public opinion, which in this country eventually has the force of law." 9 Ja 05, p.7

- f **Mass. Douglas.** ". . . The work of the Board [of Conciliation and Arbitration] can with advantage be extended to include the authority to appoint at its discretion persons whose duty it shall be to make examination and investigation of industrial conditions in localities . . . to the end that the board may be seasonably informed of matters which may grow into misunderstandings before such shall become controversies, and ultimately, perchance, result in strikes or lockouts. . . ." 5 Ja 05, p.22

- g **Mo. Polk.** ". . . The public has an interest in these controversies between employer and employee, for the public business is disturbed thereby. I believe it is the province of the Governor of the state to keep the public peace by settling these disputes, and he should make it his business, as far as possible, to do so, if the contest involves the public welfare in any way." 9 Ja 05, p.12-13

2139

Strikes

- a **Col. Peabody,** 6 Ja 05, p.19-20. **Mass. Douglas,** Fall River strike, 5 Ja 05, p.49-50. **U. Cutler,** Carbon county strike, 10 Ja 05, p.33.
- b **Col. Adams.** "The annals of several counties have been stained by strikes, lockouts, martial law and outrage. . . ." 10 Ja 05, p.5

2140

Charities

See also 60. State institutions; 335. Corrections; 1761. Fraternal beneficiary societies

- a **Cal. Pardee,** 2 Ja 05, p.44-45. **Ill. Yates,** 4 Ja 05, p.38-45.

2143

State institutions (general)

- a **Ark. Davis,** 11 Ja 05, p.3-7. **Kan. Hoch,** 10 Ja 05, p.16.
- b **N. J. Stokes.** ". . . The relatives of the unfortunate members of society should, so far as their means permit, assist in their maintenance and care. . . . Certainly, the least the relatives of dependents can do is to contribute toward their support as much as it would cost to maintain them at home." 17 Ja 05, p.17
- c **N. J. Stokes.** ". . . One of our institutions has cost the state at the rate of \$3000 an inmate; another at the rate of \$1000 an inmate. When it is considered that our citizens can be housed in their own homes at an expense of not more than \$500 an inmate the uselessness of such expenditures for public institutions needs only to be stated to be acknowledged. . . ." 17 Ja 05, p.18
- d **Pa. Pennypacker.** ". . . If the commonwealth is to continue its present policy of assistance, there ought to be some systematic and businesslike method provided, both for securing information as to the needs of the institutions and for supervising the expenditure of the moneys contributed by the state, so that it may be known that these

funds are actually required and are applied without extravagance to the purposes for which they are intended. It is unfair that the burden of investigation should be imposed upon the committees upon appropriations of the Senate and House to be completed during the brief periods of the sessions. . . . The efforts of members to secure these appropriations for institutions in the districts they represent are a hindrance to and interference with general legislation. A plan could be adopted which would not in any way interfere with the visitatorial powers of the Board of Charities, and perhaps the most effective way would be to increase their powers and agencies." 4 Ja 05, p.2-3

2149

Poor relief

See also 260, Vagrancy; 2406, Pensions and relief

- a** **Neb. Mickey**, relief of famine sufferers in Northern Sweden, Norway and Finland, 5 Ja 05, p.18.

2155

Poorhouses

2157 Local institutions

- a** **W. Va. White**, "I . . . renew the recommendations made by me in 1903 that we need some additional legislation in regard to our county infirmaries or poorhouses . . . and the letting out of the keeping of the poor to the lowest bidder should positively be prohibited by statute." 11 Ja 05, p.49-50

2160

Sick and disabled

See also 1020, Communicable diseases

2166 State hospitals

- a** **Wy. Brooks**, 11 Ja 05, p.18

2167 Miners hospitals

- a** **W. Va. White**, 11 Ja 05, p.47-48.

2172

Children

See also 346, Reform schools; 371, Juvenile offenders; 474, Family; 2118, Employment

- a** **Cal. Pardee**, State aid to dependent children, 2 Ja 05, p.38-39.
- W. Va. White**, West Virginia Humane Society, 11 Ja 05, p.48-49.
- b** **N. M. Otero**, ". . . There should be some statute prohibiting youths of either sex under 15 years of age from being upon the streets or plazas after 9 o'clock in the evening . . . also prohibiting their loitering at street corners or plazas in the daytime. In the same line there should be legislation that would protect children in the homes of vicious and immoral parents, and would prevent youths who have been arrested for any crime or violation of the law from being confined

in the company of habitual and hardened criminals. . . A law requiring sheriffs, their deputies, police and constables to apprehend and restore to their homes all tramping youths, boys and girls, is also advisable, and will tend to the moral uplifting of the youth of the territory." 16 Ja 05, p.24-25

- c W. Va. White. "I renew my recommendation . . . as to the need of legislation in regard to the proper disposition to be made of children found in houses of prostitution and in our county infirmaries.

The National Curfew Association has called attention to the necessity of legislation . . . requiring police officials to apprehend and restore to their homes all tramping youth, boys and girls . . . [and] providing that boys and girls be incarcerated in jails and station houses separate and apart from old and hardened criminals. . ."

11 Ja 05, p.49

2177

State institutions

- a Col. Peabody, 6 Ja 05, p.8. Nev. Sparks, 16 Ja 05, p.20.
 b Mich. Bliss. Recommendation renewed for an extension of the benefits of the state public school at Coldwater to crippled dependent children, who are mentally sound, and for an increase in the age of eligibility to 14 years. 5 Ja 05, p.24
 c Tex. Lanham. "I am convinced that the Orphans Home needs certain additions and improvements. . ."

12 Ja 05, p.15

2183

Defectives

- a Del. Hunn, 3 Ja 05, p.18. Fla. Broward, School for Blind, Deaf and Dumb, 4 Ap 05, p.28. Wy. Brooks, 11 Ja 05, p.20.
 b Ark. Davis. Employment of teacher for deaf, dumb and blind boy (only one in state) recommended. 11 Ja 05, p.23-24
 c Vt. McCullough. ". . . The Governor by virtue of his office is made commissioner of the deaf, dumb and blind, and of the idiotic and feeble-minded children of indigent parents. . ."

6 O 04, p.10

- d W. Va. White. ". . . The question of the separation of the blind youth from those who are deaf and dumb has been one which has engaged the attention of the public for some years. . . I . . . recommend that this Legislature pass a bill separating these two classes and creating an institution for the education of the blind. . ."

11 Ja 05, p.37-38

2184

Deaf and dumb

2186

State institutions

- a Ark. Davis, Deaf Mute Institute, 11 Ja 05, p.20-23. Ind. Durbin, relocation of Institution for the Deaf and Dumb, 6 Ja 05, p.25-26. Okl. Ferguson, 10 Ja 05, p.27-28. U. Cutler, 10 Ja 05, p.22-23.
 b Ark. Davis. ". . . I . . . recommend an appropriation for . . . a boys dormitory to the Deaf Mute Institute. . ."

11 Ja 05, p.3

2188

Blind

- a **N. Y. Higgins.** ". . . I recommend that the Legislature continue to consider the advisability of devising suitable means for the industrial training of [the adult blind]. . ." 4 Ja 05, p.11

2191

State institutions

- a **U. Cutler,** 10 Ja 05, p.22-23.
- b **Ill. Yates.** "I am led to believe that experience has not demonstrated the wisdom of the present plan of the Industrial Home for the Blind. The industrial department embraces but one trade, that of broom making, which entails an annual loss of \$200 per capita employed. I invite your careful consideration of this question, and of the advisability of establishing instead, a rural home, or of abolishing the institution and substituting some other system for the care of blind persons who are willing to work." 4 Ja 05, p.40

2193

Insane

See also 60, State institutions

- a **Cal. Pardee,** 2 Ja 05, p.28-29.
- b **N. Y. Higgins.** "The management of the state hospitals for the insane, 14 in number, with a total number of patients on October 1, 1904, of 25,019, was completely centralized by legislation of 1902, abolishing the boards of managers of the various hospitals and leaving with the Commission in Lunacy complete jurisdiction, both as to financial control and internal administration. The advantages of centralized control of the financial operations of the hospitals are evident. It is of the utmost importance, however, that this great system of hospitals involving the expenditure of so large a sum of money annually and the care of so many thousands of peculiarly unfortunate and defenseless persons, should rest upon a broad basis of public interest and public confidence, and should obtain the cooperation of philanthropic citizens throughout the state. In my opinion this can best be secured by leaving the control of all financial matters, as at present, in the hands of the commission, and by providing for each hospital a board of managers, in general charge, through the superintendent, of the internal affairs of the hospital." 4 Ja 05, p.8
- c **W. Va. White.** "The growth in the number of colored insane in the state in the last two years has been noticeable, and adequate provision has not been made by the Legislature for their care. Quite a number of colored insane are today in the county jails throughout the state, and have been for some time, because there is no room at Weston for them, where the only department for colored insane is maintained. . ." 11 Ja 05, p.44

2198

State asylums

- a **Ari. Brodie,** 16 Ja 05, p.23. **Col. Peabody,** 6 Ja 05, p.7-8. **Neb. Mickey,** 5 Ja 05, p.28-29. **Nev. Sparks,** 16 Ja 05, p.20. **Okl. Fer-**

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- guson, 10 Ja '05, p.13. S. C. Heyward, 10 Ja 05, p.22-23. U. Cutler, 10 Ja 05, p.18-19. Vt. McCullough, 6 O 04, p.14-15. W. Va. White, 11 Ja 05, p.44-45. Wy. Brooks, 11 Ja 05, p.18.
- b Ark. Davis. "I . . . recommend . . . an appropriation for . . . a permanent home for the incurable insane. . . One half, if not two thirds of the population of our present asylum are hopelessly incurable; all they need is a home for their confinement. . ."
- 11 Ja 05, p.4-5
- c Ark. Davis. Operating room for insane asylum recommended.
- 11 Ja 05, p.6-7
- d Fla. Broward. ". . . I recommend that your careful consideration be given to the recommendation of the superintendent as to the necessity for more accommodations for the increase of patients at the hospital. And it seems to me essential that every provision should be made for the proper separation of the races as therein recommended. . ."
- 4 Ap 05, p.30
- e Id. Gooding. Erection of asylum in northern part of state recommended.
- 5 Ja 05, p.7-8
- f Ind. Durbin. "The most serious problem presented, and one which presses for immediate solution, is that involved in the inadequacy of our institutions for the insane to provide for those whose care is a duty of the state. The state is committed to the care of the insane by the Constitution itself. . . The estimated number of insane persons in Indiana, including the incurable, for whom provision needs to be made by the state, is about 600. By increasing the capacity of the northern, eastern and southern hospitals to 1000 beds each, and rearranging the hospital districts in such manner as to distribute the insane in accordance with this readjustment, additional accommodations may be had for about 800 patients, which would relieve the situation for the present and 10 years to come. . ."
- 6 Ja 05, p.19-20
- g Ind. Hanly. Additional hospital for the insane advocated.
- 9 Ja 05, p.6-7
- h Mass. Douglas. "In order to gradually relieve the overcrowded condition of the state institutions for the insane, something should be done each year in excess of the minimum requirement. . . Appropriations should be made to provide additional accommodation, in connection with existing state institutions for the insane, for 500 patients."
- 5 Ja 05, p.45
- i Mich. Bliss. Increased accommodations needed. Existing institutions should be enlarged rather than a new institution created.
- 5 Ja 05, p.11-12
- j Minn. Johnson. ". . . Our hospitals for insane should be placed on the high plane of general hospitals and they should be relieved so far as possible of the incubus of the incurable inmates who only require personal care, but whose presence means the crowding out of those who need and might be benefited by medical treatment. I would call your attention to the advisability of providing nurses

homes at the various hospitals. . . I would also direct your attention to the need of providing a place at the State Prison for the retention of the criminal insane as well as the insane criminal. . ."

4 Ja 05, p.15-16

- k N. H. McLane. "You will be called upon to consider the urgent need of additional buildings to properly care for a large and constantly increasing number of patients desiring admission to the State Hospital. . ."

5 Ja 05, p.6

- m N. Y. Higgins. "The present overcrowding of the state hospitals . . . makes it imperative to take action during the coming session for a material enlargement of the state hospital accommodations. . . In increasing the accommodations in existing institutions the importance of providing for each state hospital a building especially adapted to the treatment of acute insanity should always be borne in mind."

4 Ja 05, p.8

- n N. D. White. "The Hospital for Insane . . . is now very badly crowded and provisions must be made for an increase of room. . ."

4 Ja 05, p.14

2203

Support. Right of admission

- a N. Y. Higgins. ". . . The rapid growth in the population of the insane hospitals since the adoption of the state care act is not entirely due to the increase in insanity in the state, but may to some extent be attributed to the practice of commitment of senile or feeble-minded relatives to the state institutions at the instance of those who are properly chargeable with their support. I recommend that before any insane person is permanently received as a state charge, the question be judicially investigated and determined whether such person is a pauper without relatives chargeable with his support and able to contribute thereto. . ."

4 Ja 05, p.9

2204 State support

- a Minn. Van Sant. "On assuming office in 1901, and again in 1903, I urged that the counties sending patients to our insane hospitals should pay one half the expense of their maintenance. I claim that while this would not to any great extent decrease the cost, it would have a tendency to the exercise of greater caution in making commitments. . ."

4 Ja 05, p.10

2205

Inquest. Commitment. Discharge

- a Del. Hunn. ". . . It would be well to create a lunacy commission in each county, with sole power of passing upon the mental condition of applicants for admission to the hospital [at Farnhurst], and thereby avoid the favoritism inseparable from the present procedure, which, through the environment and the influence surrounding the individual physician, crowds the institution with inmates not contemplated by law. . . It should be borne in mind that almshouses are maintained in each county for the sick and the destitute,

while the State Hospital at Farnhurst, is primarily an institution for the cure of those afflicted with mental disorders only." 3 Ja 05, p.17

- b **Okl. Ferguson.** ". . . It is . . . recommended that the law governing the powers of the county insanity boards be amended and that a restriction be placed upon the liberties too often assumed by said boards in sending persons who are not insane to the asylum to be cared for at territorial expense." 10 Ja 05, p.14

2210

Epileptics**2213 State asylum and colonies**

- a **Ct. Roberts.** State colony for epileptics advocated by Connecticut Medical Society. 4 Ja 05, p.25-26
- b **Ind. Durbin.** Report of commission on establishment of a colony for epileptics. 6 Ja 05, p.20-21
- c **Ind. Hanly.** Establishment of an epileptic institute advocated. 9 Ja 05, p.7-9
- d **Mich. Bliss.** "I again direct attention to the subject of making provision for the care of the epileptic separate from the insane and the feeble-minded, something along the line adopted by the state of New York in the Craig colony system. . ." 5 Ja 05, p.12

2215

Feeble-minded

- a **Del. Hunn.** Recommendation renewed as to state care of idiotic children. 3 Ja 05, p.18
- b **Id. Gooding.** Some system of state care should be provided. 5 Ja 05, p.8
- c **Ill. Yates.** "The attention of the Legislature has been called in the past to the menace to the community involved in allowing feeble-minded women of child-bearing age to be at large. . ." 4 Ja 05, p.39

2218 State institutions

- a **N. H. McLane,** 5 Ja 05, p.8. **Wis. La Follette,** 12 Ja 05, p.90.
- b **Mass. Douglas.** "The need of extension of accommodation in connection with the School for the Feeble-minded at Waltham is very urgent. . ." 5 Ja 05, p.45
- c **Neb. Mickey.** "The Institute for the Feeble Minded is in a very crowded condition. . . I recommend an appropriation of \$20,000 for the purpose of erecting a cottage for the girls, as an adjunct of this institution. . ." 5 Ja 05, p.28
- d **N. Y. Higgins.** "The most urgent need in connection with the state charitable institutions appears to be that of additional accommodations for the feeble-minded, at the institutions at Newark and Rome. . ." 4 Ja 05, p.9

2220

Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

- a Fla. Broward. ". . . I . . . recommend that a committee be . . . selected . . . for the purpose of formulating and codifying the school laws into a uniform system, embracing the whole scheme of our public education, from the common schools to our higher institutions of learning, with special reference to a more exact and accurate system of accounting and devising a proper check upon all school receipts and expenditures." 4 Ap 05, p.26
- b Ind. Durbin. ". . . The tendency toward making our educational system 'top heavy' by accentuating the claim upon the public of the high school and university, rather than the common school, is to be deplored. . . ." 6 Ja 05, p.41

2223

Elementary and secondary education

- a Ct. Roberts, 4 Ja 05, p.30-36. Fla. Broward, 4 Ap 05, p.23-26. Minn. Van Sant, 4 Ja 05, p.27-28. N. H. McLane, 5 Ja 05, p.12-13. N. M. Otero, 16 Ja 05, p.13-17. N. Y. Higgins, education, 4 Ja 05, p.18-20. Okl. Ferguson, 11 Ja 05, p.23. Or. Chamberlain, 11 Ja 05, p.9-12. S. D. Herreid, 3 Ja 05, p.18-19. Tenn. Frazier, 3 Ja 05, p.2. Tex. Lanham, 12 Ja 05, p.18. U. Cutler, 10 Ja 05, p.12. Vt. Bell, 6 O 04, p.3. W. Va. White, 11 Ja 05, p.29-39. Wis. La Follette, 12 Ja 05, p.81-86. Wy. Brooks, 11 Ja 05, p.8.
- b Fla. Broward. Teachers should be required to make detailed reports to the county superintendents and they to the State Superintendent. 4 Ap 05, p.25-26
- c Minn. Johnson. "The branch of our educational system which demands the most careful attention, and in which there is yet great room for improvement and advancement, is the rural school. . . . By reason of the primitive method still employed, the pupils attendant upon the rural schools lack the advantage of well constructed buildings, adequate books and library, trained and experienced teachers, and in addition thereto, are subject to the disadvantage of living remote from the schoolhouse. . . ." 4 Ja 05, p.6
- d N. M. Otero. "In order to secure uniformity of practice, as is done in other states, the Superintendent of Public Instruction, in addition to editing the school law as now provided, should be empowered to place his interpretation upon its meaning and this interpretation should be made just as effective as the law itself." 16 Ja 05, p.15
- e W. Va. White. ". . . I join in the recommendation [of the State Superintendent] that a commission be appointed by the Legislature to thoroughly revise and unify the code of laws relating to the public schools." 11 Ja 05, p.32
- f W. Va. Dawson. ". . . I would not quite say that we are spending too much money on higher education, but I dare to assert

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that we are spending too much money on higher education compared to the amount we are spending for common school education. We should provide means for a longer term of school, for better pay to the teachers in the common schools, and whereby there could be maintained in every county at least one high school, and have a system of public education which should begin in the rural district school and end in the State University." 4 Mr 05, p.6

2227 Districts. Formation. Division. Consolidation

See also 2272, Consolidation of schools

- a W. Va. White. "It has seemed to me that if the county were made the unit of taxation for school purposes, or that part of it outside of independent school districts, better results would possibly be reached." 11 Ja 05, p.31

2228 Officers. Boards

- a Del. Hunn. "The school law should be amended so that no commissioner or clerk shall be eligible to the position of teacher, and further amended by imposing a severe penalty upon any clerk of a school district who wilfully refuses to comply with the law governing the discharge of his duties, thereby intentionally robbing the district of its dividend. Better provisions should be made for the meeting places of the county school commissions, and their compensation should be increased to \$100 per annum. . ." 3 Ja 05, p.12

2229 State

- a Ari. Brodie, 16 Ja 05, p.17. Minn. Johnson, 4 Ja 05, p.7.
- b Ari. Brodie. Payment of expenses and per diem of members of Board of Education recommended. 16 Ja 05, p.18
- c Kan. Hoch. "I have never been able to see the importance of the two separate boards known respectively as the State Board of Education and the State Textbook Commission, and I recommend the consolidation of these two boards into a board to be known as the State Board of Education, to be composed of five members, and constituted as follows: The State Superintendent of Public Instruction, the chancellor of the State University, the president of the State Normal School, the president of the State Agricultural College, and the fifth member to be selected by these four gentlemen in connection with the Governor of the state; this board to perform all the duties of the two boards named above, and to receive such compensation as you may decide. . ." 10 Ja 05, p.20-21
- d N. M. Otero. ". . . I . . . recommend . . . that the office of assistant superintendent of public instruction be created. . ." 16 Ja 05, p.14-15
- e Wis. La Follette. "It is worthy your consideration whether you should not enact legislation providing for an inspector or inspectors of rural schools, who shall be given large discretionary powers in condemning unsuitable schoolhouses, who shall consult with the school district officers upon matters pertaining to their duties, and to the

proper management of school affairs, who shall act as a state agent in the enforcement of compulsory education law, and who shall by lectures and in conventions interest teachers and parents in the education of their children." 12 Ja 05, p.83

2230 County

- a Ark. Davis. ". . . I want to warn you [against] a sentiment which has been fostered . . . by the educational departments of our commonwealth . . . and that is the question of county superintendency. . . The proposition which has been made heretofore looks to the centralization of power in school matters into the hands of the Superintendent of Public Instruction of this state, giving him too much leverage and too much dictation along these lines and would permit him to build up a free school 'machine' that would make the so called political 'machine' of the day pale into insignificance. . . ." 11 Ja 05, p.44-45
- b Minn. Johnson. ". . . Salaries [of county superintendents] should be at least commensurate with those of other county officers, and with those of school supervisors in cities who do a like amount of work, and in return for a proper compensation, there should be some requirement which would guarantee professional service in the supervision of our rural schools. Believing that the educational system of our state should be divorced from partizan politics as far as possible, and that superintendents should be chosen because of their educational qualifications instead of their partizan politics, I would urge and recommend such changes in our laws as would provide a county board of education whose duty would include the appointment of a county superintendent and such other school duties only as are now performed by the board of county commissioners." 4 Ja 05, p.7
- c N. C. Glenn. ". . . Many counties desire that the Board of Education be elected by the people instead of appointed, and, this being a principle of democracy, is commended to your consideration." 11 Ja 05, p.8
- d W. Va. White. "It is hardly possible for the district schools to equal the city schools in efficiency and system without the advantages of such supervision as are afforded the city schools . . . it will therefore be necessary to increase the salaries of our county superintendents, or have some other system of supervision. . . ." 11 Ja 05, p.32

2231 District, township and municipal

- a Ct. Roberts. "The supervision act of 1903 was of the very highest importance and utility. Under this act the school officers of any town may appoint and pay a superintendent; supervision districts may be formed and the resources of two or more towns be united for the maintenance of a supervisory system; a special provision extends the benefits to smaller towns having 10 teachers. In the past year supervisors have been appointed for nine towns, at an expense to the state of \$1370." 4 Ja 05, p.34

2233

Buildings. Grounds

- a Nev. Sparks, 16 Ja 05, p.19.
- b Del. Hunn. " . . . the state should appropriate money for the repair or even the erection anew of school buildings for both white and colored schools, when by reason of the scarcity of numbers and the poverty of the districts they are unable to do it themselves." 3 Ja 05, p.12
- c Minn. Johnson. " . . . I suggest that there is much occasion for improvement in our rural schoolhouses with regard to heating, lighting and ventilation, with a view to the greater comfort of the pupils. To secure this result I would recommend the adoption of some general plan whereby all rural schoolhouses should be constructed in the future upon plans submitted to and approved by competent authority. . . ." 4 Ja 05, p.6
- d S. C. Heyward. "Superintendent Martin recommends that a certain per cent of the school funds be set aside for the erection of school buildings by the county boards of education, and in this recommendation I heartily concur. . . ." 10 Ja 05, p.9

2234 **Plans**

- a Tenn. Frazier. " . . . This most important feature of public education would be greatly aided, and the class of school buildings substantially improved, if the Superintendent of Public Instruction of the state was authorized to have prepared and issued free to the county superintendents of the state, for use in the school districts, a pamphlet giving plans and specifications for several different grades of modern schoolhouses, varying in cost from \$300 to \$5000. . . ." 3 Ja 05, p.8

2235 **Sanitation**

- a Ind. Durbin. Schoolhouses hereafter built should be required to conform to natural sanitary laws. 6 Ja 07, p.30

2237

General school finance*For finances of state educational institutions, see 2332*

2239

State and local2240 **Funds. Lands. Taxes***See also 774, Public lands*

- a Col. Peabody, 6 Ja 05, p.13. Fla. Broward, 4 Ap 05, p.16-20. Okl. Ferguson, School Land Department, 10 Ja 05, p.11-12. S. D. Herreid, Department of School and Public Lands, 3 Ja 05, p.24. Tex. Lanham, available school fund, 12 Ja 05, p.16. Tex. Lanham, school mineral lands, 12 Ja 05, p.16. U. Cutler, 10 Ja 05, p.11. Wis. La Follette, 12 Ja 05, p.84-85.
- b Kan. Hoch. " . . . There are yet unsold school lands approximating 1,000,000 acres, located chiefly in the western half of the state.

Under the law these lands are on the market at the minimum price of \$1.25 per acre. These school lands should either be withdrawn from market or the price at which they will be sold increased commensurate with the growth and development of that country. . ."

10 Ja 05, p.7

- c. **Mich. Bliss.** ". . . The constitutional and statutory provisions authorizing the primary school interest fund and one mill tax were wise in their inception, but modern conditions have made the results of these statutes almost a menace in some localities. The funds derived from these sources can be used for teachers' wages only, and the records in the office of the Department of Public Instruction show that more than 1200 districts in the state, during the past year, received from the primary school interest fund and 1 mill tax, more money than could be expended . . . In certain portions of the state the supervisors do not assess the 1 mill tax, and in view of the situation I recommend the repeal of the statute providing for its assessment, and I also renew my former recommendation along the line of a constitutional enactment limiting the amount of the primary school interest fund."

5 Ja 05, p.17-18

- d. **Minn. Van Sant.** "It is especially gratifying to state that the permanent school fund now amounts to \$15,978,477.66, guaranteeing free education to our children for all time to come. It is safe to predict that when all our school lands are sold, our timber disposed of, and all the royalty from our mineral lands secured, this sum will amount to \$50,000,000, and it may even reach the 75 million mark. . ."

4 Ja 05, p.27

- e. **N. J. Murphy.** ". . . the state has established a policy of making an appropriation of 35% of the amount of the school tax to its various municipalities. . . The present condition of our finances justifies increasing the appropriation for this purpose to 50%. . ."

10 Ja 05, p.18

- f. **Tenn. Frazier.** Recommendations regarding state school fund.

3 Ja 05, p.3-7

- g. **W. Va. White.** "An . . . amendment . . . which will sooner or later be necessary, is an amendment striking out from section 4, of article XII, in regard to education (requiring certain revenues to go into the existing permanent and invested school fund), the sentence reading: 'The proceeds of any taxes that may be levied on the revenues of any corporation.' Such an amendment is not intended to impair in any way the amount of contributions the state has made or may make to the schools of the state, but to permit of this method of taxation without making it available for any particular fund, leaving to the Legislature the distribution of the revenues. . . The proposed amendment, if submitted and adopted, will give the Legislature a freer and better rein, and will enable it to tax some corporations in a different manner from that now employed and upon a more equitable and just system, both to the corporations and to the state."

11 Ja 05, p.23

2241 Investment of funds

- a Nev. Sparks, 16 Ja 05, p.6-7, 17. S. D. Elrod, 3 Ja 05, p.4.
- b Cal. Pardee. "One of the pieces of legislation of the last session which has been followed by good results is the act authorizing the purchase of municipal and school district bonds for the permanent school fund, which previous to that time could be invested only in bonds of the United States, the state, and the counties. . . ."
2 Ja 05, p.8
- c Id. Gooding. ". . . I recommend that the interest [on farm loans] be reduced from 7 to 5%." 5 Ja 05, p.20
- d N. Y. Higgins. ". . . The United States deposit fund is distributed in the care of 122 loan commissioners, two in each county. It is loaned on real estate mortgages on improved lands worth double the amount applied for, exclusive of buildings. With the lapse of 60 years the benefits to be derived from distributing loans of small amounts in remote districts have become legendary and the method proves to be antiquated, expensive and inefficient for the purpose. . . . The average net rate of interest on loan commissioners' mortgages since the year 1895 is 2.2%. During the same period the net rate of interest received on municipal bonds held by the Comptroller is 3.75%. . . . The tendency appears to be that this trust fund will become an annual charge upon the taxpayers, instead of an aid, unless some remedy is provided. I therefore recommend that the present system of investments be changed and that the fund be held and managed under the supervision of the Comptroller's office in some such manner as the common school fund and literature fund now are held and managed." 4 Ja 05, p.26-27
- e N. D. Sarles. "The rapid increase in the common school and state institution permanent fund is a matter that should engage your attention. It should be your care to make provision for other safe and secure investments . . . so that the state's trust be kept, the greatest revenue be returned to the schools and institutions, and, eventually, a large share of the debts of the state, its municipal subdivisions, and of the farmers themselves, through loans on their land, shall be held by the state, in its permanent school funds. Thus the interest charges paid by the state and its people would accrue to the benefit of the schools and institutions and they be largely supported by a sort of indirect tax. . . ." 4 Ja 05, p.7-8
- f N. D. White. "I desire to call your attention to the report of the Commissioner of the Land Department, especially to the matter of the investment of the endowment funds. . . . There has been nearly \$1,000,000 invested during the period covered by the report. To do this the Board of University and School Lands has gone into the market and bought all the school bonds of the state that it could buy at a price to net 4% and state bonds to net 3½%. . . . If our law was amended permitting the board to purchase farm mortgages and limiting the amount loaned to one person to one third of the appraised value of the property, all of our money could be gotten out at

a rate to net us 6%. Unless some amendment is made a considerable amount of our money must remain uninvested." 4 Ja 05, p.22

2242 Apportionment

- a Cal. Pardee. ". . . we have these rather anomalous conditions: (1st) the poorer and more sparsely settled counties of the state, as a rule, get less of the state's money per teacher than do the rich and thickly settled counties, the amount varying between \$249 in Alpine county and \$783 in San Francisco; (2d) we find that the poor and sparsely settled counties have to pay, in common with all the other counties, a fixed tax into the state treasury—last year this tax was 17½ c per \$100 assessed valuation. In addition to that, the poor counties have to raise, relatively, very large county funds to eke out the school money they receive from the state. Mono county, for instance, paid 67½ c last year to support the schools; while San Francisco paid but 24½ c. . . I . . . recommend . . . a complete revision of the method whereby the state's school money is distributed to the counties, to the end that a more equitable division thereof may be made." 2 Ja 05, p.21-22

2244

County, district and municipal

- a Col. Peabody. "The extension of the power of county superintendents to enable them to act as auditors of school warrants, is an important recommendation made by the retiring superintendent." 6 Ja 05, p.13
- b W. Va. White. ". . . We have certainly reached the point where the state should require every district to maintain public schools without any question, and the old form of voting as to whether or not we shall have schools should be done away with." 11 Ja 05, p.33

2246

Negroes

See also 2247, 2330

- a Ark. Davis. ". . . A negro is not susceptible of higher education, he is not susceptible of higher moral culture. A negro is a servant made so by God Almighty, bred and born as such, and no matter with what tender solicitude we attempt to raise him from his position, he is but a servant still. Attempted education proves harmful rather than beneficial, so I have come to the point where I, for one, am willing to step out and say, 'From this day forward let the negroes in Arkansas educate themselves.' . . . I . . . recommend that . . . you pass . . . law, segregating the school taxes . . . so that the negroes may not receive the benefit of the taxes collected from the property of the white people of the state. . . ." 11 Ja 05, p.34-37
- b Del. Hunn. "Previous appropriations for the repair of the old schoolhouses and erection of new ones for the use of colored schools has been of great benefit, and should be continued until commodious

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and properly furnished buildings for the use of this class of our citizenship, are found throughout the state." 3 Ja 05, p.12

- c Del. Hunn. The State College for Colored Students is well conducted and creditable in every way, and the results to be garnered in the future will prove of incalculable advantage to this state by the infusion of the leaven of education, and the inculcation of morality, knowledge of mechanics and mental development among the most ignorant class in the commonwealth. . . . It took, I suspect, the remote ancestors of a Gladstone some centuries to get away from the caves as a dwelling place, and from implements of stone, to the stately palace at Haawarden, and the mechanical devices of our own time."

3 Ja 05, p.13

- d N. C. Glenn. ". . . Educate whites and negroes alike, and what will you do with the negro? Will you put him in your business houses or make him your social equal? Of course not. But by thus educating him you unfit him for his station, put desires in his head that he can never obtain, and render him unhappy and discontented. . . . This people should be given proper school education, suitable for their present needs, and changed in accordance with their future advancement, taught how to work and provided with places suitable for their work. . . . Answering the oft asked question, what proportion of taxes should be allowed the negro for his education, I desire to say that I dissent most emphatically from the views of those who demand that the school fund should be distributed per capita between the white children and the negro children; neither do I agree with those who would 'shut the door of hope' in the face of the negro by giving him only the taxes accruing from his own property; but, with a due regard for what each race pays, and knowing that more funds are required for white teachers and white schools, taxes for schools should be divided 'in that manner which is equitable and just,' giving to the schools of each race a distribution of the funds in accord with their just needs and requirements. This equitable division is already made in many counties, but should be alike in all. . . ."

11 Ja 05, p.10-11

2247

Teachers

- a N. H. McLane. ". . . The profession of teaching should be surrounded with such conditions of compensation and security as to make it attractive to the strongest of our young men and young women. To this end we should in the near future make more adequate provision for the normal training of the graduates of our high schools and academies. . . ."

5 Ja 05, p.13

2254 Salaries

- a Cal. Pardee. Pay of teachers should be increased.

2 Ja 05, p.20-21

- b Col. Peabody. ". . . A minimum salary for teachers should be fixed at living wages by the proper authorities." 6 Ja 05, p.13

- c Ind. Durbin. "The wages ordinarily paid teachers in the common schools are not such as to encourage men and women of talent and ambition to remain in the service of the state as teachers. . . ." 6 Ja 05, p.41-42
- d W. Va. White. "The salaries paid teachers are notoriously low in many sections of the state. . . ." 11 Ja 05, p.32

2258

Qualifications

- a S. D. Herreid. ". . . I now believe the time has arrived for legislation requiring a diploma of graduation from a normal school or other institution having a normal course approved by the Superintendent of Public Instruction, as a prerequisite to obtaining a teachers certificate or license to teach in the public schools; such a law to take effect at some future time. . . ." 3 Ja 05, p.20
- b U. Cutler. "Under the present system of examining teachers, it often happens that there is a variety of standards of excellence, differing according to the views of the various examining boards. . . It would be well for a state board of examiners of teachers to be created, whose duty it shall be to prepare examination questions, and also to grade the papers of applicants, no matter in what part of the state the examination has taken place. . . ." 10 Ja 05, p.13
- c Wis. La Follette. ". . . Your attention is directed to an act of the Legislature passed in 1897, requiring from those writing teachers examinations the payment of \$1 for the privilege. Previous to this enactment hundreds of advanced pupils in the public schools wrote examinations for the purpose of testing their knowledge. . . It would seem that these examinations should have an educational stimulus and value for the young men and women taking them that the state can not afford to lose. . . ." 12 Ja 05, p.84

2263

Institutes

- a S. D. Herreid. "The county teachers institute is an inheritance from a period which antedates the modern normal school. . . With numerous easily accessible normal schools, and colleges giving special attention to the training of teachers, the pathetic efforts of county institutes to impart elementary training—to do in two weeks what the normal school does in two years—is a waste of time, energy and money. . . The county institute should be limited to five days and the work should be upon purely 'inspirational lines.'" 3 Ja 05, p.20-21
- b Tenn. Frazier. ". . . I . . . recommend that county superintendents be compelled by law to hold at least one county institute of not less than one week's duration annually, and that the teachers of the county be required to attend." 3 Ja 05, p.9

2264 Training classes

- a Mich. Bliss, 5 Ja 05, p.17.
- b Wis. La Follette. "There are now seven county training schools for teachers supported in part by the state. . . I would recom-

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mend that the statute limiting the number be so amended as to provide for at least three or four more such schools. . . ."

12 Ja 05, p.86

2266

Normal schools

- a Ari. Brodie, 16 Ja 05, p.25-26. Cal. Pardee, 2 Ja 05, p.22. Col. Peabody, 6 Ja 05, p.10. Kan. Hoch, Western Branch Normal School, 10 Ja 05, p.16. Tenn. Frazier, Peabody College for Teachers, 3 Ja 05, p.9-10. U. Cutler, 10 Ja 05, p.15. Wis. La Follette, 12 Ja 05, p.85.
- b Kan. Hoch. "The new manual training auxiliary to the State Normal School, provided for by the last Legislature, is now in successful operation at Pittsburg. . . ." 10 Ja 05, p.16
- c Okl. Ferguson. ". . . But as our graded and high schools advance in influence and utility, the normal schools will be relieved of much of the work which is now being done by them, and will be given an opportunity to devote more of their energy to professional work—the real purpose of a normal school." 10 Ja 05, p.26
- d Or. Chamberlain. "In my first message to the Legislature I recommended the abolishment of at least two of the normal schools of the state. Instead of heeding this recommendation a bill was passed but vetoed by me creating an additional one. . . . By placing all the normal schools under a single board of regents with a uniform course of study for all, and basing appropriations upon the number of qualified students satisfactorily completing a full year's work in the prescribed course, the state would obviate the manifest injustice and inequalities in the present system." 11 Ja 05, p.11-12
- e Tex. Lanham. ". . . What [the Superintendent of Public Instruction] . . . says concerning the discontinuance of the manner in which appointments of students are made and scholarships awarded to those who attend our state normal schools and the subvention of \$50 by way of encouraging applications for admission, deserves particular notice. . . . Would it not be better to open the doors of these normal schools for the entrance of every one desiring the opportunities therein afforded upon an equal footing and without reference to appointment by a member of the Legislature, State Board of Education or the Superintendent of Public Instruction? Why should a subsidy be allowed a student in a Normal School and not furnished one who attends the University or the Agricultural and Mechanical College?" 12 Ja 05, p.18-19

2267

Attendance

2270

Compulsory attendance. Truancy

See also 2118, Employment (children).

- a Kan. Hoch. ". . . I want to call your attention to an alarming result of a recent legislative enactment known as the "truancy law." Many boys guilty of truancy have been ordered to the Boys

Industrial School by the county courts, greatly to the damage of that institution and to the boys guilty of these offenses. . ."

10 Ja 05, p.8

- b S. C. Heyward. ". . . More than 30 states have adopted compulsory education, and we should now seriously consider whether we can longer afford to postpone taking such a step. . . children should not be compelled to attend schools so far from their homes that attendance would be a hardship, nor should the age limit for compulsory education be too drastic. . . I recommend that you adopt a compulsory education law, making it obligatory for all children between the ages of 8 and 12 years to attend school for a certain number of months during each year. . ."

10 Ja 05, p.11

- c U. S. Roosevelt. "It is mortifying to remember that Washington has no compulsory school attendance law and that careful inquiries indicate the habitual absence from school of some 25% of all children between the ages of 8 and 14. . ."

6 D 04, p.12

2272 Place of attendance. Conveyance of pupils. Consolidation of schools

See also 2227, Districts

- a Del. Hunn. "Immediate steps should be taken to authorize by law the centralization of rural schools, and the necessary appropriation made to secure the conveyance of pupils to and from these centralized schoolhouses. . ."
- 3 Ja 05, p.11
- b Mich. Bliss. ". . . I commend the action taken in Genesee and Kalamazoo counties in regard to the centralization of rural schools, affording two excellent examples of consolidated school districts. . ."
- 5 Ja 05, p.17
- c N. M. Otero. "Financial limitations will not permit such schools to be erected and maintained in the majority of precincts, but in other commonwealths the plan of several precincts going together and building a central grammar or high school, has proved successful and some of the wealthier rural precincts of the territory might soon take steps in that direction, if legislation broad enough to permit this is enacted."
- 16 Ja 05, p.16
- d N. C. Glenn. "Consolidation of small districts . . . should be encouraged, unless it works a hardship on a particular locality or deprives children of attending school. . ."
- 11 Ja 05, p.8
- e Vt. Bell. "In view of the widely scattered condition of our rural communities, I am of the opinion that it would be a step in the right direction for many towns to look toward a central school, to which all pupils can be brought, thus making it possible to give them the benefits of the better educational advantages thus afforded at a slight increase of cost. . . In such a school, with so much of nature all about, the science of agriculture should be prominently taught, in order that the pupil may better understand the deeper meaning and influence of home environments and advantages. . ."
- 6 O 04, p.3

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- f **Wis. La Follette.** ". . . It is evident that the benefits following the successful centralization of rural education would be far-reaching. . . ." 12 Ja 05, p.83

2275 **School year, month, day**

- a **W. Va. White.** ". . . I am heartily in accord with his [State Superintendent of Free Schools] recommendation that the Legislature should increase the minimum school term to six months at least." 11 Ja 05, p.31

2277 **Students. Discipline**

2281 **Physical condition. Medical inspection**

- a **U. Cutler.** "Means should . . . be employed, through the proper instruction of the teachers, to prevent the spread of contagion in the schools. Sight and hearing among the pupils of the public schools are often defective, and parents and teachers are not aware of the extent of these defects. If a thorough system of testing all school children in these important particulars can be adopted, it will doubtless be productive of great good." 10 Ja 05, p.24-25

2282 **Textbooks. Supplies**

See also 2360, School libraries

2283 **Free textbooks**

- a **Ark. Davis.** Free textbooks should be provided by the districts. 11 Ja 05, p.42-44

2284 **Uniformity**

- a **Fla. Broward.** "I . . . recommend the adoption by the state of a uniform system of textbooks for the state. . . My information is that, under the uniform school book system, which system has been adopted by all of the southern states except Florida and Arkansas, and also adopted by other states, a saving to the children in money of 25 or 30% is the result of the adoption in those states of the uniform school book system." 4 Ap 05, p.27

2288 **Curriculum**

- a **Fla. Broward.** "I . . . recommend that a conservative outline or course of study be . . . prepared for the guidance of our teachers and school officers . . . by the State Superintendent. . . ." 4 Ap 05, p.26
- b **Or. Chamberlain.** ". . . Steps should be taken now looking to such a reduction in the number of textbooks in the public schools that when a pupil finishes the highest established grades it can be safely assumed he has thoroughly mastered every subject taught therein." 11 Ja 05, p.11

2310 **Physiology. Alcohol. Narcotics**

- a **Ind. Durbin.** Hygiene should be taught in schools. 6 Ja 05, p.30

Higher education

2310-32

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- b U. Cutler. ". . . A course in sanitation should be established in the State Normal School, for the instruction of teachers, and in the public schools for the benefit of the pupils." 10 Ja 05, p.24
- c U. Cutler. "Greater care should be taken in the instruction of the children regarding the harmful effects of narcotics." 10 Ja 05, p.25

2316

Special kinds of schools

See also 2184, Deaf and dumb; 2188, Blind; 2266, Normal schools; 2342, Professional and technical education

2319 Evening schools

- a S. C. Heyward. Establishment of night schools recommended. 10 Ja 05, p.9

2327

High schools and academies

- a U. Cutler. "The State Superintendent of Public Instruction makes the recommendation that a greater number of rural high schools be established as rapidly as possible. . ." 10 Ja 05, p.12-13
- b W. Va. White. "Recent reports show how few high schools are to be found in West Virginia, and recent material advancement emphasizes the demand for such schools. With proper management of their finances many of the districts of the state could build and maintain such schools, and boards of education should be authorized to do so, even if the state can not at present meet them halfway with an appropriation to assist in building such schools. . ." 11 Ja 05, p.32

2328

State aid

- a S. D. Herreid. State aid to high schools recommended. 3 Ja 05, p.21-22

2329

Academies

- a N. H. McLane. ". . . The academies, under the recent high school law, are becoming more and more the public high schools of the towns round about them and the opportunity thus opened to the children of these towns must be of incalculable benefit to them and to the state." 5 Ja 05, p.12

2330

Higher education

2332

State institutions (general)

- a Ari. Brodie, State University, 16 Ja 05, p.24. Ark. Davis, Dormitories and other buildings of State College should be improved, 11 Ja 05, p.30-32. Cal. Pardee, State University, 2 Ja 05, p.22-23. Col. Peabody, 6 Ja 05, p.9-10. Fla. Broward, 4 Ap 05, p.21-22. Id. Gooding, 5 Ja 05, p.11. Kan. Hoch, 10 Ja 05, p.15, 17. Mich. Warner, 5 Ja 05, p.11-12. Neb. Mickey, 5 Ja 05, p.17-18. Nev. Sparks, 16 Ja 05, p.19. N. H. McLane, Dartmouth College, 5 Ja 05, p.14. Okl. Ferguson, 10 Ja 05, p.24. Or. Chamberlain, 11 Ja 05, p.11. S. C. Heyward,

10 Ja 05, p.7. S. D. Herreid, 3 Ja 05, p.19-20. Tex. Lanham, University of Texas, 12 Ja 05, p.17. U. Cutler, University of Utah, 10 Ja 05, p.13-14. Wash. McBride, 11 Ja 05, p.6-7. W. Va. White, 11 Ja 05, p.34-39. Wis. La Follette, 12 Ja 05, p.86. Wy. Brooks, 11 Ja 05, p.16.

- b Fla. Broward. ". . . In my judgment, the needs and requirements of these institutions can never be intelligently and properly considered until an efficient system of management, control and supervision over them is provided. In other words, the Legislature, the Governor, and the people should have some official or board that they could hold responsible for the progress and advancement of the great educational interests of this state. I therefore recommend that such a thorough and systematic reorganization of these schools be provided for, as will accomplish, as nearly as possible under the existing conditions, the end outlined above, and that the funds out of which they shall be supported, be raised by a specific levy for that purpose, after a careful estimate of their respective needs, and that they be no longer dependent upon the general revenue fund for their support. . . ." 4 Ap 05, p.22-23

- c Kan. Hoch. "I am strongly of the opinion that one board of control for all the educational institutions would be a decided improvement over the present system of a board of regents for each. It would greatly simplify matters and remove the rivalry between the specific boards which characterizes the present method of management." 10 Ja 05, p.21

- d S. C. Heyward. ". . . Application will be made to you at this session to grant to the South Carolina College the title and charter of a state university. The trustees, the faculty, and the alumni of the college believe the time has come for enlarging the sphere of usefulness of this venerable seat of learning. I heartily favor the proposed plan and think the time most propitious for this state to reestablish this college upon a university basis. . . ." 10 Ja 05, p.9

- e W. Va. White. ". . . I suggested to the Legislature of 1903 the propriety of disposing of at least four of the normal schools and also the two preparatory branch schools, and I renew that recommendation to your body. This would enable the Legislature to take care of the university and the remaining educational institutions in a more generous manner." 11 Ja 05, p.34

2333 Finance. Lands. Support

See also 774, Public lands; 2237, School finance

- a N. D. Sarles. "The legislative body two years ago decided that our state educational institutions required additional facilities. . . Additional buildings and equipment are, I believe, imperatively necessary. . . ." 4 Ja 05, p.4

2334 Instruction. Students

- a Del. Hunn. Recommendation renewed that Delaware College be opened to both sexes. 3 Ja 05, p.13-14

- b S. D. Elrod. ". . . It seems to me that it is unwise to attempt to teach mechanical engineering at the State University when we take into consideration, our financial condition, and the splendid facilities we have for teaching mechanical engineering at the Agricultural College. . . ." 3 Ja 05, p.7
- c Wash. Mead. ". . . Any attempt upon the part of an instructor or the management of any of our higher educational institutions to arouse in the minds of the student body a feeling of prejudice or hostility towards the form of government which has survived for more than a century and has been the mightiest factor known to history in advancing the cause of civilization, or to influence the boys and girls of this state to believe that our system of government is based upon fallacious principles and should, therefore, ultimately be overthrown, will receive immediate attention from the executive department and the instructor engaged in the exploitation of such un-American ideas will receive immediate dismissal." 11 Ja 05, p.4-5

2342

Professional and technical education

For examination and licensing *see* 501, Practice of law; 944, Medicine; 948, Dentistry; 949, Pharmacy. *See also* 2266, Normal schools

2343

Agricultural

See also 1828, Agricultural experiment stations

- a Ga. Terrell. "I again urge upon the General Assembly the propriety of establishing and maintaining at least one agricultural school in each congressional district. . . ." 28 Ja 05, p.13
- b Mass. Douglas. "I would . . . suggest the advisability of agricultural schools, where a practical knowledge of horticulture, forestry and of the animal industries shall be taught. Small rural schools of this kind scattered throughout the state and inexpensively conducted would, in my opinion, not only do much to keep the country boys at home, but would cause our New England farms to become as productive and profitable as is possible." 5 Ja 05, p.24
- c Wis. La Follette. "The two [county agricultural] schools . . . established under the provisions of chapter 288, laws of 1901, amended by chapter 143, laws of 1903, have successfully passed the experimental stage. . . ." 12 Ja 05, p.85

2344 *Colleges*

- a Col. Peabody, 6 Ja 05, p.7. Ill. Deneen, 9 Ja 05, p.3-4. N. H. McLane, 5 Ja 05, p.15-16. Okl. Ferguson, the Agricultural and Mechanical College, 10 Ja 05, p.25. S. D. Herreid, 3 Ja 05, p.36. Tex. Lanham, 12 Ja 05, p.17. U. Cutler, 10 Ja 05, p.16-17.
- b Cal. Pardee. A farm should be secured for the College of Agriculture of the University. 2 Ja 05, p.27-28
- c Ga. Terrell. Establishment of agricultural college recommended. 28 Je 05, p.8-13

- d **N. J. Stokes.** ". . . We have facilities at the Agricultural College for a school . . . where such instruction could be given to those engaged in agricultural pursuits as would add to the wealth and productiveness of our soil. . . ." 17 Ja 05, p.22

2348(5)

Military

- a **N. M. Otero,** treasurer of Military Institute, 16 Ja 05, p.11.

2349

Mining

- a **Col. Peabody,** 6 Ja 05, p.8. **U. Cutler,** 10 Ja 05, p.15.

2350

Technical and manual training

- a **N. C. Glenn,** 11 Ja 05, p.8-9. **Okl. Ferguson,** 10 Ja 05, p.28. **Tex. Lanham,** Girls Industrial College, 12 Ja 05, p.18.
- b **Ct. Roberts.** ". . . The new demands of technical efficiency have superseded the old ideas of a general education. It is evident that in the great industrial battle for supremacy, under the inevitable system of intensified production, the best possible technical training is needed. . . ." 4 Ja 05, p.33
- c **Ct. Roberts.** "A commission was authorized by the General Assembly of 1903 to investigate the practical means and methods of industrial and technical education, and their report will be submitted for your consideration and action." 4 Ja 05, p.36
- d **Mass. Douglas.** ". . . Since the practical abolition of apprenticeship systems and the specialization of labor in most of our mills and factories, there is but little opportunity for learning a trade. . . . If a considerable part of our factory employees had a more comprehensive knowledge of the industry in which they were engaged, they would be quicker to appreciate and adopt improvements, we would have better foremen and superintendents, our factories would be better conducted and our industries would make greater progress. . . . In my opinion the industrial and trades schools are largely responsible for the great advancement made in many industries in Germany and England. In my judgment Massachusetts made a good investment when it gave financial encouragement to our textile schools and our nautical training school. I believe we should have similar schools in other industries." 5 Ja 05, p.23-24
- e **S. C. Heyward.** Establishment of manual training schools recommended. 10 Ja 05, p.9
- f **Tenn. Frazier.** ". . . I believe the time has come when the state can not afford to longer be without a distinctively technological college. . . ." 3 Ja 05, p.12

2351

Textile

- a **S. C. Heyward.** ". . . I believe it would be an excellent plan to establish at Clemson, from the funds of the college, scholarships in the textile school for the benefit of young men from the cotton mills who seek technical training in this department." 10 Ja 05, p.9

2352

Libraries

2354

State libraries

- a Ari. Brodie, 16 Ja 05, p.15. Col. Peabody, 6 Ja 05, p.12. U. Cutler, 10 Ja 05, p.42. W. Va. White, State Law Library, 11 Ja 05, p.71. Wy. Brooks, 11 Ja 05, p.12-13.
- b Ct. Roberts. ". . . The necessity of a fireproof structure, detached from and adjacent to the present Capitol building, will be apparent to you in your investigation of the needs of the State Library. That all the valuable volumes and treasures should be housed in a building which is absolutely secure and fireproof will appeal to you, with the additional reasons that the present Capitol building does not afford either convenient room or the security for the safe preservation of those valuable records. In this building the Supreme Court chambers should be located, for the convenience of the court and members of the bar." 4 Ja 05, p.14
- c Okl. Ferguson. ". . . The present library rooms are inadequate to meet the requirements and it is recommended that provision be made to provide better facilities for taking care of this very important institution. . . ." 10 Ja 05, p.21
- d Pa. Pennypacker. ". . . Under the direction of the present trained librarian, the work of the library has been systematized and improved, and its benefits to the community correspondingly increased. This library ought in time to be a repository of all the printed material and manuscripts relating to the literature, the laws, the history and the political progress of the commonwealth. . . The Department of Public Records, provided for at the last session, in connection with the library, has been organized and is doing efficient work. . . Information . . . is much sought by persons all over the country interested in hereditary societies and in research, and much of the time of the attendants is occupied in answering inquiries and supplying information. I suggest that the librarian be directed to charge a fee of \$2 for each certificate given and the sums received be paid into the state treasury for the use of the commonwealth. . . . When the new Capitol is completed, the building now occupied by the Executive will be abandoned by him. . . To remove it would seem to me to be wasteful and unwise. I recommend that it be utilized for the library and that the sphere of the librarian be enlarged and that he be authorized and directed to collect and preserve in it objects illustrating the fauna, flora, entomology, mineralogy, archeology and arts of the state. . . ." 3 Ja 05, p.5-6
- e S. D. Herreid. ". . . The miscellaneous library of the state, now in utter confusion and useless, should be placed in the custody of the Historical Society and means provided for its classification and arrangement, so that it may become available and valuable." 3 Ja 05, p.23
- f W. Va. White. "The third floor of the annex affords the opportunity for the establishment of a state library and historical museum.

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which should be under the direct charge and control of a state board.

. . . The state library should be made the depository of the publications of every department of the state from the foundation of the state. One of the most important works of the library board would be to have all the missing public records, papers and documents from 1861 to the present time supplied as far as possible; to collect, edit, classify, print them in a series; and to devise and adopt a systematic plan for the preservation and classification of our state archives. . . ."

11 Ja 05, p.70-71

- g Wis. La Follette. "The legislative reference department of the Free Library Commission was established after the legislative session of 1901. . . The efforts of this department have been directed largely in the line of comparative legislation. It keeps in touch with the legislative work of other states and compiles material upon all subjects commanding the attention of public officials. Through it the legislators of Wisconsin may have assistance upon all subjects demanding their attention. The experiences of others should furnish a valuable guide to legislative action in this state. It is the aim of the department to provide in the near future for the drafting of such bills as legislators may desire to present to the Legislature. . . ."

12 Ja 05, p.93

2356

Free public libraries

- a W. Va. White. ". . . In both messages of my immediate predecessor, as well as mine to the Legislature two years ago, we called attention to the desirability of establishing free public libraries as supplements to our public school system. . . . The plan proposed is threefold: First, the creation of a nonpartizan board of library commissioners. . . second, every civic division of the state. . . to be given power to levy taxes . . . for the establishment and support of public libraries. . . third, a system of subsidies from the state to free public libraries, but no library to receive over \$300 a year. . . ."

11 Ja 05, p.33

2357

State aid and supervision. Traveling libraries

- a Ct. Roberts, 4 Ja 05, p.35. Del. Hunn, State Library Commission, 3 Ja 05, p.14. Wis. La Follette, Free Library Commission, 12 Ja 05, p.92-93.
- b Kan. Hoch. Increase in appropriation for traveling libraries recommended.

10 Ja 05, p.6

2360

School libraries

- a S. C. Heyward. Increased provision should be made for rural school libraries.

10 Ja 05, p.9

2363

History. Records. Memorials

- a Ill. Yates, Illinois State Department of History, 4 Ja 05, p.51. S. D. Herreid, Department of History, 3 Ja 05, p.23.

2365 Archives. Records. Colonial laws

- a Ga. Terrell, colonial and revolutionary records, 28 Je 05, p.20. Vt. McCullough, the records of the conventions of 1776 and 1777, 6 O 04, p.22-24.
- b Cal. Pardee. Better facilities for the keeping and proper arrangement of archives urgently needed. 2 Ja 05, p.45
- c S. C. Heyward. "The Secretary of State asked last year for an appropriation, to be used in suitably equipping his office with fire-proof record cases. The offices of the State Treasurer and of the Comptroller General also stand much in need of similar improvement. . . ." 10 Ja 05, p.29-30

2366 Historical societies

- a Ari. Brodie, Pioneer Historical Society, 16 Ja 05, p.21. Col. Peabody, 6 Ja 05, p.12. Mich. Bliss, Michigan Pioneer and Historical Society, 5 Ja 05, p.16. N. M. Otero, 16 Ja 05, p.33. Okl. Ferguson, 10 Ja 05, p.10. Or. Chamberlain, Oregon Historical Society, 11 Ja 05, p.54. U. Cutler, State Historical Society, 10 Ja 05, p.41.

2367 Museums

- a Mo. Folk. Recommends erection of Missouri Soldiers Memorial and Historical Museum building; libraries of state university and state historical society to be placed therein. 7 F 05, p.5-7

2368 Old Home week

- a Mass. Douglas, 5 Ja 05, p.40-41.

2369 Scenic and historic places

See also 2370, Memorials

- a Minn. Johnson, 4 Ja 05, p.20. N. M. Otero, the Old Palace building, 16 Ja 05, p.35. Pa. Pennypacker, the Valley Forge Commission, 3 Ja 05, p.7-8. W. Va. White, Point Pleasant monument, 11 Ja 05, p.64.
- b N. Y. Higgins. "The preservation of historic objects or picturesque places in the state should be encouraged. . . The state should. . . aid by legislation, wherever possible, the protection of natural scenery and encourage the work of those associations which are organized for the purpose of commemorating historic events and marking points of historic interest. Legislation which . . . compels the removal of the unsightly and disfiguring from public places, should be enacted." 4 Ja 05, p.27-28
- c W. Va. White. "The Society of the Sons of the Revolution at its last meeting directed the president of that organization to petition the Legislature to authorize the county courts to construct at public expense tablets or monuments on the sites of the frontier forts and blockhouses built by the settlers during the Indian wars. . . ." 11 Ja 05, p.64

EDUCATION

2370

Memorials. Monuments

- a **Tenn.** Frazier. ". . . I believe the time has come when the state should assume the financial burden involved in the care and preservation of the graves of its confederate dead. . . ." 3 Ja 05, p.31
- b **U. S.** Roosevelt. ". . . This recognition [medals of honor] should be extended to cover cases of conspicuous bravery and self-sacrifice in the saving of life in private employments under the jurisdiction of the United States, and particularly in the land commerce of the nation." 6 D 04, p.3

2371

Battle flags

- a **Ga.** Terrell, Confederate flags, 28 Je 05, p.17-18. **Ill.** Yates, request for the return of Tennessee battle flag, 4 Ja 05, p.53.

2376

Memorials on battlefields. Soldiers monuments

- a **Ill.** Yates, 4 Ja 05, p.54. **Ill.** Yates, the Vicksburg Commission, 4 Ja 05, p.55-56. **Ind.** Durbin, monuments and markers, 6 Ja 05, p.34-35. **Mich.** Bliss, Vicksburg monument, 5 Ja 05, p.19. **Minn.** Van Sant, Vicksburg Commission, 4 Ja 05, p.25.

2377

Monuments to individuals

- a **Minn.** Van Sant, statute of Alexander Ramsey, 4 Ja 05, p.24-25. **Mon.** Toole, Meagher monument, 2 Ja 05, p.7. **Vt.** McCullough, memorial tablet to President Arthur, 6 O 04, p.19. **Vt.** McCullough, portrait of Admiral Dewey, 6 O 04, p.20. **Vt.** McCullough, bronze bust of Hiram A. Huse, 6 O 04, p.21. **Vt.** McCullough, medallion portrait of Major General George J. Stannard, 6 O 04, p.22. **W. Va.** White, statue of Francis H. Peirpoint, 11 Ja 05, p.28-29. **W. Va.** White, James Rumsey monument, 11 Ja 05, p.64.
- b **Mass.** Douglas. "I recommend to you the appointment of a joint committee for the purpose of devising a permanent memorial to the life and character of the late Mr Hoar. . . ." 5 Ja 05, p.5
- c **N. M.** Otero. ". . . I would suggest that it might be appropriate at this time to make arrangements for obtaining the portraits of all former governors of New Mexico now deceased, at the public expense . . . and provide that all living former governors be invited to send their portraits to the Capitol Custodian Committee." 16 Ja 05, p.34
- d **Pa.** Pennypacker. Erection of statue to Anthony Wayne recommended. 3 Ja 05, p.8

2379

War records

- a **Vt.** McCullough, Vermont Revolutionary Rolls, 6 O 04, p.24.
- b **Mich.** Bliss. "The great task of compiling and publishing the regimental records of the Civil War is practically completed, and the books available for delivery. . . ." 5 Ja 05, p.18

2380

Scientific work. Art

2384

Geology. Topography

- a S. C. Heyward, the State Geologist, 10 Ja 05, p.26. W. Va. White, State Geological Survey, 11 Ja 05, p.55. Wis. La Follette, the Geological Survey, 12 Ja 05, p.94. Wy. Brooks, State Geologist, 11 Ja 05, p.10.
- b Ill. Deneen. "I suggest that an appropriation be made for an efficient geological survey of our state. No other state of our interior which approaches Illinois in population and resources has done so little in this line. . ." 9 Ja 05, p.3

2386

Art

- a U. S. Roosevelt, National Art Gallery, 6 D 04, p.22.
- b U. Cutler. "It appears that the act forming the Utah Art Institute, the appropriation made for its maintenance, and the laws governing and regulating it, do not meet the end designed by its promoters, and that the state does not receive full value for the money expended. . . In place of the institute, it is proposed that an appropriation be made for a purchase fund, to be used in the purchase of such paintings as may be thought advisable, and in the encouragement of art. I am in favor of such action being taken." 10 Ja 05, p.42

2388

Military regulations

See also 2363, History, records, memorials

- a Neb. Mickey, gift for battleship Nebraska, 5 Ja 05, p.9. S. D. Herreid, the armored cruiser South Dakota, 3 Ja 05, p.33. W. Va. White, West Virginia Cruiser Commission, 11 Ja 05, p.29.

2391

Militia. National Guard

- a Ari. Brodie, 16 Ja 05, p.19. Cal. Pardee, 2 Ja 05, p.29-31. Del. Hunn, 3 Ja 05, p.23-24. Fla. Broward, 4 Ap 05, p.46. Id. Gooding, 5 Ja 05, p.18. Ill. Yates, 4 Ja 05, p.46-48. Kan. Hoch, 10 Ja 05, p.18. Mich. Bliss, 5 Ja 05, p.18. Minn. Van Sant, 4 Ja 05, p.23-24. Neb. Mickey, 5 Ja 05, p.16-17. Nev. Sparks, 16 Ja 05, p.13-14. N. H. McLane, 5 Ja 05, p.11. N. M. Otero, 16 Ja 05, p.18-19. Okl. Ferguson, 10 Ja 05, p.18. Or. Chamberlain, 11 Ja 05, p.24. S. C. Heyward, 10 Ja 05, p.13-14. S. D. Elrod, 3 Ja 05, p.6. S. D. Herreid, 3 Ja 05, p.29-30. Tenn. Frazier, 3 Ja 05, p.27. Tex. Lanham, 12 Ja 05, p.14. U. Cutler, 10 Ja 05, p.35. Wash. McBride, 11 Ja 05, p.7. Wash. Mead, 11 Ja 05, p.36-37. W. Va. White, 11 Ja 05, p.59-61. Wis. La Follette, 12 Ja 05, p.100. Wy. Brooks, 11 Ja 05, p.13-14.
- b Ct. Roberts. "The organized militia, by reason of national and state legislation now for the first time in existence, is what it ought to

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be, and what it was originally intended to be, 'a body of citizen soldiers,' not in name alone, but in reality, composed of men who are devoting their time and energy to the services of the state. . . ."

4 Ja 05, p.18

- c Ill. Yates. "I recommend the passage of a law providing a penalty for the offense of dissuading, or attempting to dissuade, young men from serving as members of the Guard of the State. . . ."

4 Ja 05, p.47

- d Ind. Durbin. ". . . It is . . . recommended that the militia law of this state, in so far as it prescribes the organization thereof, be so amended as to conform to the law prescribing the organization of the army, and that the power be given the Governor, as commander in chief of the militia, to make such changes, by general order, in the organization of the militia as may from time to time become necessary to accomplish the conformation thereof to that of the army. . . ."

Following the Evansville episode there was manifested a disposition by some employers, acting under coercion, to discriminate against members of the Guard because of their connection with our citizen soldiery. . . . I recommend the enactment of a law prescribing severe punishment for the crime of seeking to secure discrimination against a member of the National Guard, or engaging in such discrimination, because of the connection of such citizen with an organization which, as the Constitution of the United States declares, is 'necessary to the existence of a free state.' "

6 Ja 05, p.36-37

- e Mass. Douglas. ". . . I have asked the War Department to detail Lieut. Gen. Nelson A. Miles, U. S. A., retired, to report to me under the provisions of the 'Dick act,' so called, and I have been notified by the Secretary of War that the request will be granted. It is my intention to have General Miles at once make a thorough inspection of the organized militia of the state. He will report, in writing, what changes in our militia laws and methods of administration are, in his judgment, desirable to better promote its efficiency as a part of the National Guard, and to obtain the benefits of national cooperation and assistance."

5 Ja 05, p.46-47

2392

Armories

- a Ct. Roberts. Report of commission on new armory and governor's recommendations in regard thereto.

4 Ja 05, p.9-12

2398

Officers and boards

- a Wis. La Follette. ". . . Legislation should be enacted providing that hereafter the adjutant general, quartermaster general, assistant adjutant general, assistant surgeon general, inspector of small arms practice, quartermaster, and all of the staff officers shall be appointed by the Governor from the officers of the National Guard, and that they, with the exception of the personal aides de camp to the governor, shall hold their positions (unless they shall retire volun-

Pensions and relief

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tarily) until they reach the age of 64, or are retired before that time for disability, or for cause to be determined by a court martial. . ."

12 Ja 05, p.101

2402

Regulations of troops

- a Ind. Durbin, penalty for desertion, 6 Ja 05, p.32-33.
- b Ari. Brodie. Deserters should be disfranchised. 16 Ja 05, p.15
- c Mich. Bliss. "At the request of the War Department, Washington, I present to the Legislature the subject of state aid in preventing desertions from the army of the United States through the enactment of a law withholding from deserters the exercise of the right to vote. . ."
5 Ja 05, p.18
- d Mich. Bliss. Legislation recommended attaching pecuniary responsibility to officers and enlisted men of the National Guard for lack of due care of United States property entrusted to them and for which the Governor is held responsible. 5 Ja 05, p.23
- e Or. Chamberlain. ". . . I recommend the enactment of a law that will deprive deserters [from United States Army] of the inestimable privilege of participating in all elections, national, state and municipal." 11 Ja 05, p.41

2406

Pensions and relief

2408

State pensions and aid

- a R. I. Utter, 5 Ja 05, p.13.
- 2409 Confederate veterans
- a S. C. Heyward, 10 Ja 05, p.27. Tenn. Frazier, 3 Ja 05, p.29.
- b Fla. Broward. ". . . I . . . recommend that the pension law be so amended as to make the pensions payable by the county. . ."
4 Ap 05, p.37
- c Tex. Lanham. ". . . It will be advisable for the Legislature to devote careful attention to our pension laws. It is believed that important amendments are needed. . . Under existing law, some applications without merit are being made, and it is thought that many persons are now being carried on the rolls and receiving pensions who do not come strictly within the spirit and purpose of the provision made for ex-confederate veterans. . ." 12 Ja 05, p.12

2411

Burial expenses

- a Mich. Bliss. "In response to numerous petitions, legislative attention is asked to the subject of providing a burial fund for the widows of veteran soldiers. . ."
5 Ja 05, p.18

2416

Soldiers homes

- a Col. Peabody, 6 Ja 05, p.7. Fla. Broward, 4 Ap 05, p.38. Id. Gooding, 5 Ja 05, p.6-7. Kan. Hoch, 10 Ja 05, p.17. Mass. Douglas, 5 Ja 05, p.38-39. Minn. Van Sant, 4 Ja 05, p.22-23. N. H. McLane.

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5 Ja 05, p.10. R. I. Utter, 5 Ja 05, p.13. S. D. Herreid, 3 Ja 05, p.26-27. S. D. Elrod, 3 Ja 05, p.6. Tenn. Frazier, 3 Ja 05, p.30. Tex. Lanham, 12 Ja 05, p.12. Wash. Mead, 11 Ja 05, p.37. Wy. Brooks, 11 Ja 05, p.19.

- b Or. Chamberlain. ". . . Some provision ought to be made for the construction of small but comfortable cottages on the grounds of the home so that these old veterans may have the companionship of their wives in their declining years. . ." 11 Ja 05, p.13

2418 Widows and orphans

- a Minn. Johnson, 4 Ja 05, p.17.
b Minn. Van Sant. Admission to Minnesota Soldiers Home of the mothers, wives and widows of the old veterans recommended. 4 Ja 05, p.23

2430

Local government

2432

Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely the limits of population designated thereby are in these references substituted for the number of the class.

- a Ill. Discussion of proposed Chicago charter. Yates, 4 Ja 05, p.16-19; Deneen, 9 Ja 05, p.8.

2433

State control of cities. Home rule

- a Mich. Bliss. Recommendation renewed that provision be made giving municipalities the largest measure of home rule consistent with their relations to the state and the operation of general laws.

5 Ja 05, p.24

- b Wis. La Follette. ". . . one general act granting broad powers in general terms, and designating the limitations placed upon them, should be passed applying to all cities whether originally created by special charter or otherwise. Thus uniformity in this class of legislation would at once be secured, at the same time allowing the different cities to work out their own peculiar problems in their own way. . ." 12 Ja 05, p.80

2438

Organization. Powers generally

- a W. Va. White. ". . . I recommend that there be a general statute enacted conferring upon all municipalities . . . the right to declare as municipal offenses all acts which are by state law defined as misdemeanors, with the power to impose punishment, including fines. . ." 11 Ja 05, p.80

2443

Consolidation

- a Pa. Pennypacker. "Everything possible ought to be done to encourage the creation of a single municipality which shall include all of the extensive population at the junction of the Alleghany and Monongahela rivers, now under the authority of several different municipal governments. Such a course would result in a saving of expense, an improvement in official tone, with increase of responsibility, and an advancement in prestige and influence."

3 Ja 05, p.14

2473

Municipal civil service

See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.

2478

Tenure of office. Discipline

- a Wis. La Follette. ". . . I would commend to your careful consideration the charter of Los Angeles Cal. granted in 1903. It provides that the holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent, the procedure to be by petition demanding the election of a successor to the person sought to be removed. . ." 12 Ja 05, p.81

2492

County and township government

Includes provisions relating to the Louisiana parish. *See also* specific functions of counties and towns—Roads, Charities, Drainage etc.

2498

New counties. Consolidation. Division

- a N. M. Otero. "If the legislative assembly should deem it expedient to create new counties, care should be taken that such districts as are set apart for this purpose possess sufficient assessed valuation to yield the needed revenues for county government, and that such counties are created to answer a real need and wish of the taxpayers. . ." 16 Ja 05, p.19
- b S. C. Heyward. "I desire to call your attention to a manifest conflict between the Constitution of 1895, article VII, providing for the formation of new counties, and the act of the General Assembly of 1896, page 64, section 1, incorporated as section 574 of the Code of Laws of 1902. . . I would recommend that, at this session, you amend the statute law in order that it may conform with the obvious intent and phraseology of the Constitution." 10 Ja 05, p.22

2500

Governing body

2504

Election. District. Vacancies. Number. Term

- a Ari. Brodie. ". . . The question submitted by me to the last Legislature of dividing the counties of the territory into assembly and supervisorial districts for the election of members of the Assembly and Board of Supervisors is one which should receive your earnest consideration." 16 Ja 05, p.14

2512

County civil service

See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.

2517

Salaries. Fees

- a Ari. Brodie. "I . . . recommend that all county officers now receiving fees in lieu of salary be placed on commensurate salaries and that all fees be paid into the county treasury. . ." 16 Ja 05, p.9

2518

Tenure of office. Discipline

- a N. M. Otero. "I recommend that a law be enacted providing for the summary removal of any county commissioners, by the Governor, who shall pay or cause to be paid any illegal fees or commissions to any county or precinct official, and any such official who shall swear to, and accept payment of illegal fees or commissions, shall be tried by the District Court for perjury, and if found guilty, shall in addition to the punishment by the court, be summarily removed from office by the Governor, and be disqualified from holding office in the territory for a period of 10 years. An adequate law should be passed providing means for summary removal of county officers guilty of malfeasance, misfeasance or nonfeasance in office. . ." 16 Ja 05, p.29

2526

Townships. Towns

Under this head are included governments that constitute the primary division of the county. In the New England states and in New York and Wisconsin towns are primary divisions of the county and are classed here; in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

- a Wash. Mead. "An act providing for township organization, approved March 23, 1895 . . . has not yet been adopted by the voters where it has been submitted to the people. It being the policy of the Legislature to strengthen the present system of administration of affairs by boards of county commissioners, I, therefore, recommend that the interests of the state generally would be best subserved by the unconditional repeal of the township organization act."

11 Ja 05, p.33

2527 **Records**

- a N. H. McLane. "While this state has not been derelict in recent years in the adoption of effective measures for preservation of its archives and the publication of such parts of them as the obligations of the state in this behalf has made advisable, it may be a question whether sufficient attention has been bestowed upon the subject of the due preservation of town records, especially those that cover the early years of the corporate existences of the municipality, and the devising of plans for rendering the contents of these records more available for reference as well as more secure from loss by fire, mutilation, unreasonable wear and tear, obliteration of the text by the

natural effects of time, not to mention the more gross forms of vandalism to which all records not properly cared for are constantly exposed. . . ."

5 Ja 05, p.19

2550

Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under taxation, as such provisions usually apply to all classes of taxes. See particularly 2237, School finance.

2575

Budget. Accounts

2577

Appropriation. Tax levy. Expenditures

2578 Limit of taxation

- a Col. Peabody, 6 Ja 05, p.17. W. Va. White, 11 Ja 05, p.15-17.
- b Mass. Douglas. "The law limiting the tax rate in cities and towns for local purposes to \$12 on each \$1000 of assessed value is producing bad results. From information obtained from about half of our cities it appears that the rate is so low that the majority of our municipalities are unable to live inside of this limit and conduct their affairs as the people want them conducted. As a result, all kinds of devices are resorted to in order to obtain sufficient revenue. In at least one city the assessed value of real estate has been pushed up until residential property is assessed for fully 50% more than its market value. Some cities have asked for and obtained special legislation abolishing this tax limit for a period of years. . . I would urge that the Legislature make a thorough investigation of this question, and devise some reasonable method of relieving the cities unable to comply with the law as it now stands." 5 Ja 05, p.7-8
- c N. J. Stokes. "Municipal taxation is one of the most important questions of the day. . . There are 62 taxing districts in the state where the tax rate is between 2½ and 3 %, 15 where the rate exceeds 3% and six where the rate ranges from 3.6 to 5.7%. . . There have been notable instances where cities have met this problem and solved it in a practical, if not a permanent manner. This has been by a fair valuation of property according to the constitutional mandate and a corresponding reduction in rate. For instance, the city of New York in 1902 assessed its ratables at true value and reduced the tax rate from 3.27 to 1.41. . . Atlantic City did likewise, and reduced the rate from 3.35 to 1.47. . . The danger to the taxpayer in this remedy lies in the fact that he has no assurance that the low rate will be permanent, that it will not be raised on the basis of increased valuation. Here the state must come to the rescue. If a maximum rate for every taxing district in the state was fixed by legislative enactment, under this aegis of protection, property investors would seek New Jersey as a safe asylum. The Legislature of the state can very properly consider the wisdom of such legislation. The comptroller

LOCAL GOVERNMENT

of the largest city in the country says that a rate of \$1.50 a hundred is sufficient to meet the needs of any progressive municipality. If the maximum rate for every municipality in this state were fixed, at the outside, at \$1.70 on the hundred, or lower, if possible, the difficulties of the burdensome tax rate and municipal expenditure would be largely solved. . . . I would go even further than this. In 1898 the Legislature passed an act providing that the surplus money in the state treasury might be appropriated for the purpose of reducing the burdens of local taxation. . . . I would amend this act, and would provide that this distribution be limited to those taxing districts where it was used, not as a means for increasing expenditures, but as a means for reducing the tax rate proportionately to the amount of the contribution from the state. . . ."

17 Ja 05, p.13-15

2579

Examination and audit

- a **Fla. Broward.** "Legislation to require a strict legal application of all county funds to proper purposes and a rigid accounting for all moneys received would tend to relieve the burdens of taxation now carried by the people for county purposes."

4 Ap 05, p.14

2583

State supervision. Uniform accounts

See also 55, State examiner; 856, State accounts

- a **Fla. Broward.** ". . . There should be prescribed a uniform system of records, books and blanks to cover the transactions of the various offices and departments, thus securing a uniform system of records and accounts throughout the state and a better and easier check upon all financial transactions between the state and the various officials through whose hands the public moneys pass. The Auditing Department could be of great service in properly starting and instructing the various officials in the proper method of keeping such a uniform system of records and accounts. . . ."
- b **Minn. Johnson.** "In view of the vast sums of public revenue collected and disbursed by cities of the first class such as Minneapolis, St Paul and Duluth, there is a sentiment among the taxpayers of those cities, that the city finances should be subject to the same state supervision by the public examiner as that now given to county finances. . . . The Legislature of 1891 passed a special act, now in force, giving state inspection of city accounts to St Paul; and an extension of the same or similar provisions to all cities would appear to be a right step in the direction of municipal credit, economy and retrenchment."
- c **N. M. Otero.** "Too much credit can not be given the 35th Legislative Assembly for the creation of the above office [Traveling Auditor and Bank Examiner]. . . . County books and records are in a much better condition, and it is now a very easy matter to determine the exact financial condition of each county in the territory. I would recommend that the present law be amended so as to make it the duty

4 Ja 05, p.19-20

of the Traveling Auditor to examine the offices of the clerks of district courts, and all other offices handling territorial money. . . ."

16 Ja 05, p.11-12

2588

Financial officers

2593 County

- a S. C. Heyward. "The law authorizes the Governor, by and with the advice and consent of the Senate, to appoint county auditors and treasurers. The Governor now makes the appointment of these officers as the result of a party primary, which practically means their selection by the people. The auditor, in my opinion, should be entirely free from the influences of politics, and I recommend that appropriate legislation be enacted prohibiting any party from placing this office in a primary."

10 Ja 05, p.6

2597

Debts. Bonds

- a Ill. Deneen. ". . . The legislation which puts upon future generations the debts of the present impairs the credit of both. The creation of indebtedness under this power should be accompanied by ample provision for its retirement within a reasonable time through sinking funds established for that purpose."
- b Tex. Lanham. ". . . Issuing bonds and lending public credit may be grossly abused unless the utmost precaution be observed."

9 Ja 05, p.8

12 Ja 05, p.11

2600

Deposits and depositories

- a N. M. Otero. "I recommend that you enact a law requiring each county treasurer to deposit all moneys collected by him in some banking house at stated intervals. . . . The bank selected by the county treasurer in which to deposit county funds should be approved by the Territorial Treasurer before any deposits are made, or the designation of such banks may be made in the first instance by said Territorial Treasurer on the basis of the best terms of interest to be secured, but in no event the interest to be less than three (3) per cent per annum. Banks designated as county depositories should give bond to the county similar to the bonds given the territory for territorial funds, the bond to be approved by the board of county commissioners."

16 Ja 05, p.10-11

2620

Public works. Public improvements

2627

Municipal utilities (general)

See also 1337, Street railways

- a Mass. Douglas. Referendum should be applied to acts and ordinances granting franchises.

5 Ja 05, p.25-27

2629

Municipal ownership (general)

- a **Mass. Douglas.** ". . . It has been demonstrated by the experience of towns and cities in this commonwealth, both with regard to water supply and public lighting, that under favorable conditions and proper management the business of gas, electric lighting and water supply can be conducted by municipal corporations with profit to the inhabitants, both in price and in service. In many cases of privately owned public-service corporations the rates, fares and prices charged are too high. The public . . . will be far more likely to obtain service at reasonable prices if it has the right to do business on its own account. . . . At present the laws offer great obstacles to the assumption of such works by the municipalities. A necessary change in the law is to provide that when a company offers its plant under the provisions of the statute, the municipality may enter into possession at once, thus removing the temptation from the company to delay the valuation for the sake of taking extra profits out of the business by letting the plant run down during litigation."

5 Ja 05, p.28-31

2633

Electricity. Gas*See also 797, Public works (state)*

2638

Companies*See also 2035, Petroleum and gas*

- a **Kan. Hoch.** Powers of State Railroad Commission should be extended to electric and telegraph and telephone companies.

10 Ja 05, p.13

2648

Water*See also 797, Public works (state); 1079, Pollution of water; 1180, Control of water*

- a **N. J. Murphy.** "I recommend that measures be taken to prevent the diversion of the waters of this state to other states for domestic supply. I would suggest, also, that a limit should be placed upon the rights of both private and municipal corporations to exhaust the flow of rivers. . . . The fresh-water flow of the Passaic river is being rapidly exhausted. . . . I am informed that it is now proposed to sell the Passaic's waters to a town or towns on Staten Island, New York. To add this diversion to that already made would be fatal to the river, and is against sound public policy. The needs of our own municipalities for water supply should be considered, but even these should be limited by consideration for the welfare of river navigation, sanitary conditions and adjacent property. . . ." 10 Ja 05, p.20-21
- b **N. J. Stokes.** "The importance to human health and comfort of an abundant supply of wholesome water needs no recommendation. From all over the state we have reports of the increasing difficulty in

obtaining water of a satisfactory quality and quantity for our municipalities, while the present supply is rapidly diminishing. The springs of our state are lower than they were 50 years ago. Our wells must be driven deeper from year to year. Brooks and rivers once living and flowing, no longer exist, and streams once considerable in size, are now, in the heat of summer, mere trickling rivulets. . . . Forests are natural reservoirs in which is stored the water gathered from rain and melting snow, to be drawn upon as necessity demands . . . "

17 Ja 05, p.20

- c N. Y. Higgins. "The growing demands for additional water supplies in the greater cities and for adequate supplies of pure and wholesome water for domestic purposes in other municipalities indicate that in the not distant future the problem of water supply for municipalities will be a most serious one. . . . The question presents itself whether it is not feasible to develop some plan whereby the municipalities may be insured a water supply at a minimum cost under state supervision through state conservation of the waters of the Adirondacks and other sources. The Legislature of 1904 enacted a law creating a water storage commission which has for its object practically the conservation of water for power purposes. A state commission, having also for its object the supply of water to the cities might be of great service."

4 Ja 05, p.24-25

- d N. Y. Higgins. Special message on water supplies: favors creation of a local water commission for New York city and also of a state commission to pass on all applications for the appropriation of water for municipal purposes.

20 F 05

2653

Consumption

- a Mass. Douglas. ". . . As a means towards keeping the consumption of water within reasonable limits, I recommend a change in the method of apportioning the cost of the metropolitan water. This cost is now assessed upon the several cities and towns in the district on a basis wholly independent of the consumption of water. I recommend that the cost be assessed in direct proportion to the amount of water used."

5 Ja 05, p.48-49

2661

Sewerage. Garbage

See also 797, Sewerage plants (state); 1079, Pollution of water; 1192, Drainage.

- a N. J. Murphy, State Sewerage Commission, 10 Ja 05, p.21-22.

2679

Parks. Public grounds

2694

Playgrounds. Recreation piers

- a U. S. Roosevelt. "Public playgrounds are necessary means for the development of wholesome citizenship in modern cities. It is important that the work inaugurated here through voluntary efforts should be taken up and extended through congressional appropriation

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of funds sufficient to equip and maintain numerous convenient small playgrounds upon land which can be secured without purchase or rental. . . ."

6 D 04, p.13

2700

Roads. Streets

- a Ill. Deneen, 9 Ja 05, p.5-7. Minn. Johnson, 4 Ja 05, p.14. Okl. Ferguson, 10 Ja 05, p.9. Or. Chamberlain, 11 Ja 05, p.53-54. Vt. Bell, 6 O 04, p.3-4.
- b Ct. Roberts. "The 'old contract' and 'working out tax' system are fast disappearing, and by force of the example set by the state the towns are of themselves improving their highways, under more permanent and economical methods of highway construction. . . ."
- c Ill. Yates. ". . . It is undeniably true that the road laws of the state need revision, and that the people be given a system by which the enormous amounts of money annually paid by them in the form of road taxes be used in such manner as to secure better and more permanent results than have yet been obtained." 4 Ja 05, p.29
- d Minn. Van Sant. "I ask your careful consideration for any measure which has for its aim the improvement of our highways. . . . I would especially suggest the desirability of enacting a law providing for a state highway commission. . . ."
- e N. M. Otero. ". . . I . . . earnestly urge you to revise and amend the existing road laws so that they will meet the demand for good roads which is becoming more urgent every day." 4 Ja 05, p.25
- f N. C. Glenn. ". . . An up to date road law should be enacted, and every county or township that desires it should be given a chance to improve their highways by bond issue or other mode of taxation. . . ."
- g S. C. Heyward. "Last year . . . I recommended such legislation as would give the counties the right, by majority vote, either to issue bonds, or to levy an annual tax for road improvement. . . . I now renew my former recommendation. . . ."
- h Wash. Mead. ". . . The platforms of the two great political parties called for the repeal of the present road law. However, I am not convinced that the people of this state desire to return to the old road supervisor system of constructing and improving county highways. . . . We have relegated to the past the system which permitted road supervisors or county commissioners to experiment with the people's money in building a system of roads not in accordance with practical or scientific methods." 10 Ja 05, p.27
- i W. Va. Dawson. ". . . I regret that the Legislature did not provide for a state superintendent of highways. . . ."

16 Ja 05, p.31

11 Ja 05, p.11

10 Ja 05, p.27

11 Ja 05, p.32-33

4 Mr 05, p.5

2702

State road systems and state aid

- a Kan. Hoch, 10 Ja 05, p.5. Pa. Pennypacker, 3 Ja 05, p.3-4. W. Va. White, 11 Ja 05, p.53-55.

- b Col. Peabody. "Annual appropriations for [the building and maintenance of roads and bridges] have been made by former Legislatures from the internal improvement fund, but such appropriations have been made without any regard to a fixed system, but entirely in response to demands from various localities. . . Financial aid from the state should be proportional to the amount paid by the taxpayers in the localities asking for aid, and to the benefits to be derived by the people therefrom." 6 Ja 05, p.17
- c Del. Hunn. ". . . Unless the state is willing to issue bonds for an amount sufficient to construct permanent roads generally in each county, I advise the repeal of the present [state aid] act, and the enactment of what at the last Legislature was commonly known as the 'Newton bill,' which in effect gave state aid to any Levy Court district that would voluntarily tax itself in the endeavor to improve its roads locally. . . ." 3 Ja 05, p.15
- d Ill. Deneen. "I suggest an inquiry into the feasibility of furnishing employment for our convicts in connection with the movement for good roads. . . ." "I suggest . . . an inquiry into the advisability of the state furnishing road material free at a point within the county, to be designated by the local authorities. Inquiry also could be made . . . as to the feasibility of furnishing crushed stone or ballast to the railways in exchange for transportation of road material to the counties or districts." 9 Ja 05, p.6
- e Ill. Yates. ". . . The Good Roads Commission so far has been restricted to study and investigation of the various problems of road building in Illinois. It has neither the authority nor the means for doing any practical work. Such authority and such means should be given it, subject always to the popular will of communities through which improved highways may pass. . . ." 4 Ja 05, p.50
- f Mass. Douglas. ". . . I . . . commend to your consideration the necessity of devising some more equitable plan for the distribution of the cost of construction and keeping in repair all such [state] roads. . . ." 5 Ja 05, p.36
- g Mich. Bliss. "The 43d Legislature did a part of what was necessary to be done in order to place the state in the foreground with other states in the good roads movement. This amounted to but little however, compared to what would have resulted had the recommendation been put into execution in its entirety, for by not submitting to the people an amendment to the Constitution giving to the state the right to assist in highway improvement, the State Highway Department which was created was declared by the Attorney General to be without constitutional standing. Notwithstanding this decision, however, my appointee as State Highway Commissioner has done everything he could do in the good roads cause without fee or reward and further has paid his own expenses. . . ." 5 Ja 05, p.15
- h Mich. Warner. ". . . Under the Constitution of Michigan, state aid can not be extended to the improvement of the public highways. . . In my judgment, steps should be taken to submit to

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the people the question of removing this prohibition. . . I recommend that a department of road building be instituted at the Agricultural College of this state and that instruction be given along both academic and experimental lines. . . " 5 Ja 05, p.10

- i Mo. Folk. ". . . A constitutional amendment would be appropriate, providing for a tax whereby the road system can be put on the same basis as the public school system, under state supervision. . . A state road engineer ought to be provided for, one skilled in the ways of road building, to oversee and superintend the construction of highways over the state. . . " 9 Ja 05, p.14

- j N. H. McLane. ". . . For many years it has been the policy of the state to make special appropriations for the improvement of highways in certain sections of the state. . . I am of the opinion that the time has come when we should adopt a comprehensive plan, which shall be general in its application for the purpose of giving state aid for the improvement of the public highways. . . " 5 Ja 05, p.20

- k N. M. Otero. ". . . The building of the scenic route is not a mere local improvement but the starting point for a territorial system of good roads whose branches will ultimately extend into every county. At the same time the question of convict labor is solved very satisfactorily. . . " 16 Ja 05, p.33

- m N. Y. Higgins. "Without increase in the estimated revenues of the state for the ensuing year, appropriations for good roads must be modest in amount, pending the action of the Legislature and the people upon the proposed constitutional amendment permitting the issue of bonds for the improvement of the highways. . . The highways that are to be improved under the proposed plan should constitute a reasonably complete system of land intercommunication, otherwise we shall simply have patchwork. . . They should be kept in repair at the expense of the locality, under the supervision of the state . . . I also recommend that the contracts for building the roads require that the contractor shall maintain the same for at least five years after acceptance by the State Engineer. . . " 4 Ja 05, p.14-15

- n Vt. McCullough. ". . . Let a commission . . . be appointed by the Governor . . . the Commissioner of Highways also being a member of the commission. Let the commission adopt a scheme for the construction of improved highways, of course utilizing the present as far as may be, providing for, say, two or three lines running north and south, on the west and east sides of the state, and six or seven lines east and west across the state, aggregating eight or nine hundred miles of highways altogether. By improved highways I do not necessarily mean macadam roads, for it is extremely doubtful whether such roads are the best, the most economical or the most permanent for our climate. . . " 6 O 04, p.29-30

- p W. Va. White. State Geological Survey should be required to report on road improvement. 11 Ja 05, p.53-54

2723

Automobiles and motorcycles

- a Ct. Roberts. "The law regulating the speed of automobiles on our highways has proved a failure, largely because the penalty imposed for its violation is not severe enough to insure its observance. I recommend that the penalty for the violation of that law be increased so as to permit a jail sentence in aggravated cases. I am credibly informed that wealthy residents of other states, who use Connecticut merely to run over it, boast of the fines they have to pay, and count pursuit by the officers of the law a part of the fun of the transit of the state. Every automobile should be distinctly numbered. . . The bicycle lantern law is dead and ridiculous. In my opinion, the public safety would be greatly advanced if the law required all wheeled vehicles out after dark to carry lighted lanterns." 4 Ja 05, p.30
- b Ind. Durbin. "The number of accidents resulting from the careless and reckless driving of automobiles suggests the advisability of legislation regulating the speed and manner of handling of these machines upon the streets and highways of the state." 6 Ja 05, p.31
- c Mich. Warner. Regulation of automobiles recommended. 5 Ja 05, p.11
- d N. H. McLane. "There should be a law regulating the use of automobiles. It should provide that operators be licensed and machines be registered. A reasonable speed limit should be established." 5 Ja 05, p.20
- e N. J. Murphy. "I desire to call the attention of the Legislature to the necessity of a revision of the present law concerning the regulation of automobiles. . . If the number of accidents from reckless automobile driving could be collected their number would be appalling, and I think it is not going too far to say that however alluring and interesting a sport may be, no one has a right to pursue it at the cost of permanent or fatal injury to others. . . If no machine was ever run at a speed to exceed 20 miles an hour, at least 90% of all the present accidents would be avoided. . . I earnestly recommend that the present law be so modified that no machine shall be permitted on the roads of this state unless it shall be geared so as to make a speed higher than 20 miles an hour impossible. I think a license fee of \$5 a year can be obtained without serious objection, and I suggest that the law be amended to require this, and that it be provided that the sum obtained from the sale of licenses to automobilists, which may easily reach upwards of \$30,000 per annum, shall be expended on the improvement of the roads. . . I think, also, that the examination of automobilists is not as thorough as it should be. A man who drives an automobile should be enough of an engineer to understand his machine, and better supervision for his more thorough examination should be made. . .

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Let the punishment for any infringement of the speed law be imprisonment for not less than 30 days, without any exception whatever. The speed law can not be enforced as long as the penalty for infringement is a fine." 10 Ja 05, p.22-25

- f Vt. Bell. ". . . I would recommend some system of highway supervision, requiring a license for the automobile, that it be numbered for identification, restrained in rate of speed, and restricted to the freedom of certain thoroughfares which could be marked so plainly that whoever runs may read and understand. 6 O 04, p.4

2744

Weeds. Brush

- a Vt. Bell. "I am in favor of some law covering the better care of roadside environments. Obstructions, bushes and unsightly weeds should be destroyed, for they become an offense. . ." 6 O 04, p.4

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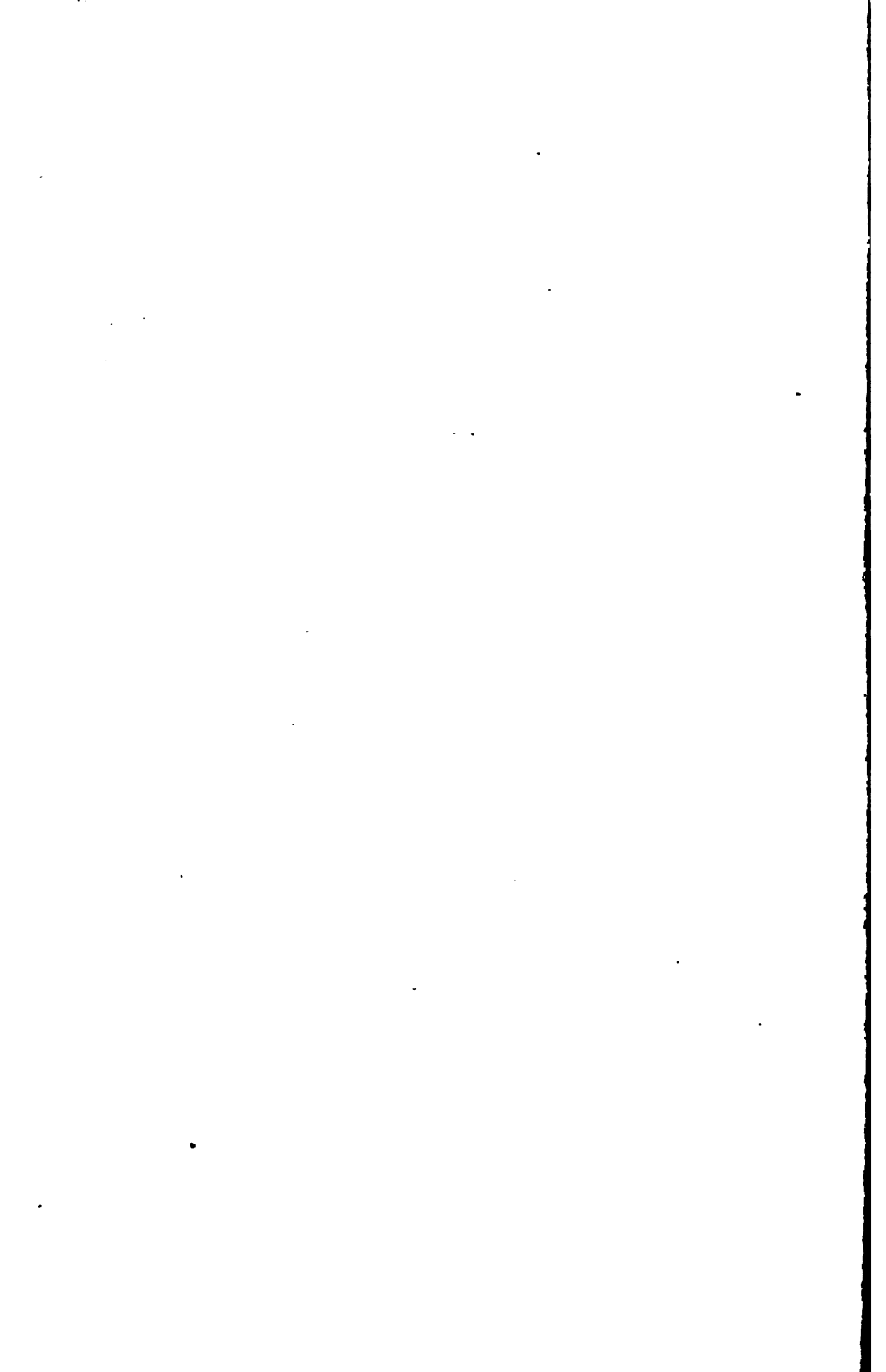
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Bulletin 103

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October 1, 1904 to October 1, 1905

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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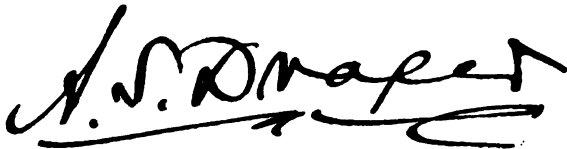
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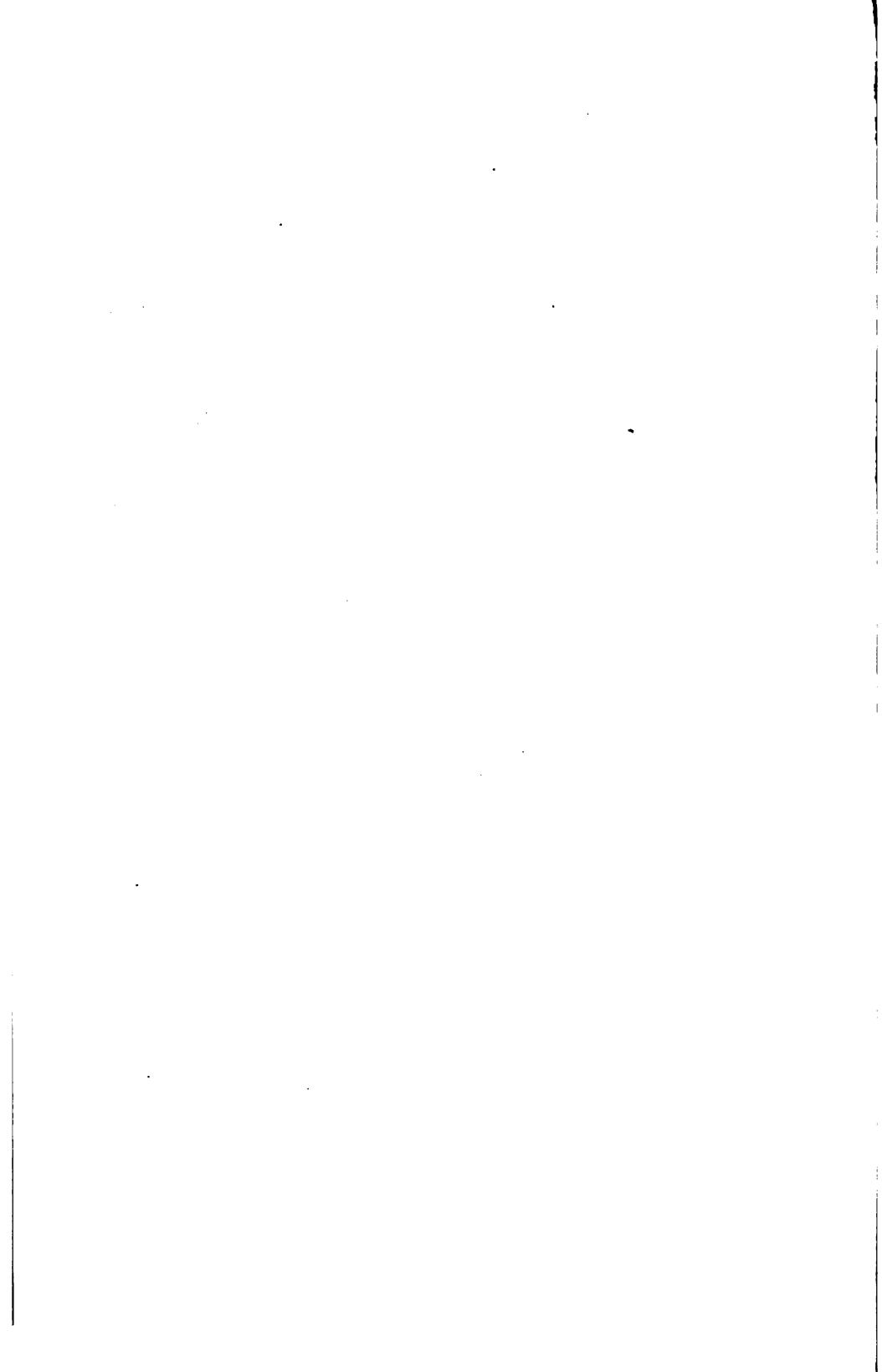
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New York State Library

Bulletin 103 Legislation 28

INDEX OF LEGISLATION 1905

October 1, 1904 to October 1, 1905

EDITED BY

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PREFATORY

EXPLANATIONS

These must be carefully read to understand the bulletin.

Scope. All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts general in form but special in their application, are also omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. Important local acts other than amendatory, on subjects of general interest, are included. New city charters are included but amendments thereto are omitted. Constitutional amendments both local and general are included. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation of great general interest are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail of its administration are omitted. All laws legalizing acts already performed are omitted. Laws of Congress and of the noncontiguous territories of the United States are omitted.

Method. Usually but one entry is made for a law. To ascertain what legislation has been passed concerning a subject it is necessary for the reader to refer also to the more inclusive heads and to observe carefully the cross references. For example, in looking up laws relating to illegal voting, the user, in addition to consulting entries under 155, Illegal voting, must look under 149,

Election offenses and 126, Election. Laws relating to illegal voting alone are classed under 155, those relating to illegal voting and other offenses under 149, the general head for election offenses, and those relating to illegal voting and various other election matters under 126, the general head for elections. In addition the cross reference under 126, Elections, to 2225, School elections must be observed as illegal voting at school elections would be placed under that head.

The plan is a combination of index and digest. A large portion of the entries simply indicate in the most definite manner practicable the exact subject treated by the law. Many entries, however, digest in a line or two the substance of a law or the exact change made by an amendment. Other entries are a combination of the above forms, partly index, partly digest. The aim always is to convey the greatest amount of information possible within a very limited space. Unimportant laws relating to details of procedure or administration are indexed most briefly.

The exact change made by an amendment is often shown by italics to indicate new matter and by brackets inclosing matter superseded: e. g. salary of Governor \$5000 [\$3000], means that the Governor's salary has been increased from \$3000 to \$5000.

The title of acts other than amendatory if concise and definite, is given either in full or in part. The title is included in quotes and is annotated when necessary. The number of sections contained in each law is given to show its length and complexity.

Citations. A citation to the act indexed or summarized is set off at the end of the entry. It contains year, chapter number or page, and day and month of approval or passage. The abbreviation ch. is used for chapter and p. for page: e. g. '05 ch. 94, § 11; '05 p. 164, 9 My. In all states except Georgia, Alabama, Illinois, Missouri, Ohio and Oregon the session laws are numbered consecutively, and references are to chapter.

In North Carolina and Rhode Island where the Governor's approval is not necessary, in a number of states where joint and concurrent resolutions do not require the approval of the Governor and in the case of bills that become laws by the expiration of time without the signature of the Governor, the date of passage by the Legislature is given. In a few cases the date of passage and approval are both omitted in the session laws, and in these cases the year only is given.

Citations to statutes amended or repealed by the act indexed always begin with the most general part and end with the most

ABBREVIATIONS

specific; e. g. '95 ch. 859 §2; '98 p.78; R. S. '96 t.3 art. 10 §3 ¶4. For abbreviations used in citing compilations of statutes see below.

Classification. The classification of the summary is the same as that used in the Digest of Governors Messages and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there is no legislation this subject number is skipped. The entries under each head are alphabetized by states and each entry is designated by a letter or a letter and numeral; e. g. b, d2.

Subject index. This is an alphabetic list of the subjects included. References are to the marginal class and entry numbers.

ABBREVIATIONS

A.	Atlantic Reporter	com'n	commission
Ag	August	compt.	comptroller
agric.	agriculture	com'r	commissioner
Ala.	Alabama	Cong.	Congress
amdg.	amending	const.	constitution, constitu-
amds.	amends		tional
amdt.	amendment	corp.	corporation
Ann. L.	Annotated laws	Crim. C.	Criminal code
Ann. S.	Annotated statutes	Crim. P.	Code of criminal pro-
Ap	April		cedure
Ari.	Arizona	Crim. S.	Criminal statutes
Ark.	Arkansas	Ct.	Connecticut
art.	article	D	December
assmt.	assessment	Del.	Delaware
ass'n	association	dep't	department
atty.	attorney	exam.	examination
bd	board	F	February
C.	Code	Fla.	Florida
C. C.	Civil code	G. L.	General laws
C. C. P.	Code of civil procedure	G. S.	General statutes
C. L.	Compiled laws	Ga.	Georgia
C. P.	Code of procedure	gen.	general
C. S.	Compiled statutes	gov.	governor
Cal.	California	gov't	government
ch.	chapter	Ia.	Iowa
co.	company	Id.	Idaho
Col.	Colorado	Ill.	Illinois

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incorp.	incorporation	P.	Pacific Reporter
Ind.	Indiana	P. C.	Political code
inst.	institution	P. S.	Public statutes
Ja	January	Pa.	Pennsylvania
Je	June	Pen. C.	Penal code
Jl	July	pt	part
Kan.	Kansas	r.	resolve
Ky.	Kentucky	R. C.	Revised code
La.	Louisiana	R. C. L.	Revised Civil Laws
leg.	legislature, legislative	R. I.	Rhode Island
Mass.	Massachusetts	R. L.	Revised laws
Md.	Maryland	R. S.	Revised statutes
Me.	Maine	rel.	relating
Mich.	Michigan	rep.	repealing, repeals
Minn.	Minnesota	rev.	revising, revises
misc.	miscellaneous	ry.	railway
Miss.	Mississippi	S	September
Mo.	Missouri	S.	Statutes
Mon.	Montana	S. C.	South Carolina
Mr	March	S. D.	South Dakota
msdr.	misdemeanor	S. E.	Southeastern Reporter
mun.	municipal	S. W.	Southwestern Reporter
My	May	sec.	secretary
N	November	So.	Southern Reporter
N. C.	North Carolina	soc.	society
N. D.	North Dakota	subdiv.	subdivision
N. E.	Northeastern Reporter	sup't	superintendent
N. H.	New Hampshire	t.	title
N. J.	New Jersey	Tenn.	Tennessee
N. M.	New Mexico	Tex.	Texas
N. W.	Northwestern Reporter	U.	Utah
N. Y.	New York	unconst.	unconstitutional
Neb.	Nebraska	Va.	Virginia
Nev.	Nevada	Vt.	Vermont
O	October	W. Va.	West Virginia
O.	Ohio	Wash.	Washington
Okl.	Oklahoma	Wis.	Wisconsin
Or.	Oregon	Wy.	Wyoming

STATISTICS

STATISTICS OF LEGISLATION OCTOBER 1, 1904 TO OCTOBER 1, 1905

The sessions are biennial in all states and territories except Ga., Mass., N.J., N.Y., R.I. and S. C. where they are annual and Ala. where they are quadrennial. For list of constitutional amendments *see* 34-36; for list of court decisions declaring statutes unconstitutional *see* 12.

STATES AND TERRITORIES	DATES	Length in days	No. of laws	No. of resolutions	No. of laws and resolutions	No. of laws and resolutions indexed
Arizona.....	16 Ja 05-16 Mr 05	60	69	12	81	47
^a Arkansas.....	2 Ja 05-4 My 05	121				
California.....	2 Ja 05-10 Mr 05	68	613	45	658	438
Colorado.....	4 Ja 05-3 Ap 05	90	144	6	150	60
Connecticut.....	4 Ja 05-19 Pl 05	197	781	1	782	249
Delaware (extra).....	29 D 04-30 D 04	2	2	1	3	1
Florida.....	3 Ja 05-23 Mr 05	80	226	28	254	73
Georgia.....	4 Ap 05-2 Je 05	60	224	24	248	105
Idaho.....	28 Je 05-18 Ag 05	52	351	27	378	64
Illinois.....	2 Ja 05-4 Mr 05	62	149	10	159	108
Indiana.....	4 Ja 05-6 My 05	123	210	21	231	158
Iowa.....	5 Ja 05-9 Mr 05	64	170	2	172	120
Kansas.....	10 Ja 05-10 Mr 05	60	527	18	545	206
Kentucky (extra).....	12 Ja 05-10 F 05	30	1	12	13	1
Maine.....	4 Ja 05-24 Mr 05	80	662	145	807	192
Massachusetts.....	4 Ja 05-26 My 05	143	480	118	598	197
Michigan.....	4 Ja 05-17 Je 05	165	332	21	353	211
Minnesota.....	3 Ja 05-18 Ap 05	106	349	2	351	251
Missouri.....	4 Ja 05-18 Mr 05	74	160	22	191	116
Montana.....	2 Ja 05-2 Mr 05	60	151	8	159	99
Nebraska.....	3 Ja 05-30 Mr 05	87	232	3	235	104
Nevada.....	16 Ja 05-14 Mr 05	58	156	13	169	79
New Hampshire.....	4 Ja 05-10 Mr 05	66	232		232	102
New Jersey.....	10 Ja 05-30 Mr 05	80	270	5	275	220
New Mexico.....	16 Ja 05-10 Mr 05	60	134	25	159	113
New York.....	4 Ja 05-5 My 05	122	760	3	763	260
(extra).....	21 Je 05-20 Pl 05	30	1		1	
North Carolina.....	4 Ja 05-6 Mr 05	62	1264	36	1300	139
North Dakota.....	3 Ja 05-3 Mr 05	60	194	4	198	164
Oklahoma.....	10 Ja 05-10 Mr 05	60	113	5	118	87
Oregon.....	9 Ja 05-17 F 05	40	308	13	321	161
Pennsylvania.....	3 Ja 05-13 Ap 05	101	506	34	540	217
Rhode Island (extra).....	15 N 04-18 N 04	4	10	24	34	2
South Carolina.....	3 Ja 05-11 My 05	120	155	105	260	48
South Dakota.....	10 Ja 05-18 F 05	49	165	27	192	82
Tennessee.....	3 Ja 05-3 Mr 05	60	177		177	135
Texas.....	2 Ja 05-17 Ap 05	106	543	134	677	86
(extra).....	10 Ja 05-15 Ap 05	95	224	20	244	116
Utah.....	15 Ap 05-14 My 05	30	12	2	14	3
Vermont.....	9 Ja 05-9 Mr 05	60	135		135	124
Washington.....	5 O 04-10 D 04	67	354	45	399	172
West Virginia.....	9 Ja 05-9 Mr 05	60	180	11	191	139
(extra).....	11 Ja 05-25 F 05	46	87	20	107	50
Wisconsin.....	25 F 05-1 Mr 05	4	3	6	9	
Wyoming.....	11 Ja 05-21 Je 05	162	523	17	540	385
	10 Ja 05-18 F 05	40	99	8	107	81
					13 530	5 855

^a Owing to delay in printing due to fire and other causes the laws of Arkansas, 1905, were not received in time to include in this Index. They will be included in the Index of 1906.

^b Statistics given include 339 laws in volume of Local Acts; this volume however was not received in time to index for this bulletin.

^c Acts in volume of Special Laws included in these statistics for first time.

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no.

LAW (GENERAL)

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936	State laboratories
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See also 85, Overlegislation; 88, Special laws

Publication of session laws

- a Del. Amdg. R.C. '93 ch.4 §1, 2 rel. to publication & binding of session laws. 2§ '05 ch.9, 30 Mr
- b Ind. Amdg. R.S.' 52 ch.96 §5 rel. to preparation of laws for State Printer by Sec. of State. 1§ '05 ch.4, 11 F
- c Mo. Const. amdots. to be published with session laws; prima facie correct. Adds R.S. '99 §4164a-b. 2§ '05 p.208, 10 Mr
- d Neb. Authorizing J. E. Cobbey to publish biennial session laws on same plan as Ann.S. 2§ '05 ch.169, 9 F
- e N. D. Sec. of State to secure copyright of session laws. 1§ '05 ch.162, 6 Mr
- f Or. Certain laws to be compiled & printed in pamphlet form for free distribution. '05 p.438, 16 F
- g Or. Session laws to be numbered consecutively & to include laws passed by people under Const. art.4 §1. 1§ '05 ch.160, 21 F

6 Publication in newspaper

- a N. Y. Amdg. county law '92 ch.686 §19 rel. to designation of newspapers to publish session laws. 1§ '05 ch.496, 17 My

9 Construction of statutes

- a Cal. Amdg. P.C. §17 rel. to definition of terms used in P. C. 1§ '05 ch.127, 18 Mr
- b Cal. Amdg. Pen.C. §7 rel. to definition of terms used in Pen.C. 1§ '05 ch.476, 21 Mr

11 Revision and compilation

- a Cal. Amdg. '95 ch.222 §9: Com'n for Revision & Reform of the Law is to exist till May 1, 1907 [1905]. 1§ '05 ch.343, 20 Mr
- a1 Ct. Judiciary committee of Leg. to appoint person to index G.S. of 1902 & session laws through 1907; distribution. 2§ '05 special acts, ch.400, 6 J1
- b Fla. G.S. of state of Florida of 1903 enacted as statute law; publication & sale; \$10,000. 12§ '05 ch.1, 29 My
- c Mich. Sec. of State to publish index to C.L. '97 & session laws to date. 5§ '05 ch.298, 17 Je
- d Minn. Rep. '01 ch.241, '03 ch.157 which provided for appointment of com'n of 3 to revise & annotate gen. laws & report to Gov. Dec. 1, 1904. 1§ '05 ch.147, 11 Ap; '05 ch.148, 11 Ap
- e Minn. Atty. Gen., Sec. of State & State Printer to act as com'n to provide for publishing & distributing R.S. '05; \$10,000; copyright to belong to state. 6§ '05 ch. 185, 15 Ap
- f Minn. Designating com'r to edit & annotate R.L. '05; \$5000. 6§ '05 ch.218, 17 Ap

- g N. D. Provision for compilation & publication of R.C. of 1905. '05 ch.41, 15 Mr
- h Vt. "An act providing for revision of the Vt. statutes." 5§ '04 ch.158, 9 D
- i W. Va. Provision for 5th edition of C.; Gov. to appoint compiler; sale & distribution. 5§ '05 p.518, 24 F

12

Statutes declared unconstitutional

By highest court of state or of United States. Entries under this head are duplicated under the specific subject of the law declared unconstitutional.

- a Ala. Msdr. for employee or lessee abandoning written contract to make similar agreement with other party. '01 p.131, 1 Mr. *Unconst.* Abridges right to contract in manner not within police power. *Toney v. State* 37 S. 332 (1904).
- b Ark. "An act to protect game & fish of state . . ." '03 ch.162, 24 Ap. *Unconst.* in so far as it prohibits nonresident landowner from hunting & fishing, denying equal protection of law & taking property without due process of law. *State v. Mallory* 83 S. W. 955 (1904).
- c Ark. Msdr. for other than resident of county to peddle certain articles without license. S. '04 §6886. *Unconst.* Class legislation denies equal protection of law. *Ex parte Deeds* 87 S. W. 1030 (1905).
- d Cal. Bd of directors of irrigation district may pledge works paid for by taxation as security for bonds. '93 ch.148, 11 Mr; amdg. '87 ch.34§17. *Unconst.* Deprives district landowners of property without due process of law & impairs obligation of contract. *Merchants Bank of San Diego v. Escondido Irr. Dist.* 77 P. 937 (1904).
- e Ga. Initial or connecting carrier to trace cause of damage to freight & report to shipper or be liable for loss. C. '95 §2317-18. *Unconst.* as to interstate commerce violating commerce clause of federal Const. *Central of Ga. Ry. v. Murphey* 196 U. S. 194 (1905).
- f Ill. Collector to add \$10 drainage tax for each 40 acres where owner has not cleared stream. R.S. '99 ch.42 §200-1. *Unconst.* Confuses judicial & administrative functions; deprives of property without due process of law. *Cleveland C. C. & St L. R. Co. v. People* 72 N. E. 725 (1904).
- g Ill. Adoption of ordinances for local improvements in cities of 20,000-50,000; referendum in cities of 28,000-50,000. '03 p.101, 15 My. *Unconst.* Arbitrary classification to evade const. provision against local legislation. *L'Hote v. Village of Milford* 72 N. E. 399 (1904).
- h Ind. Providing for extension of boundaries of city of 6000-7000 not operating under special charter. '03 ch.105, 7 Mr. *Unconst.* Arbitrary classification in effect local legislation. *Town of Longview v. City of Crawfordsville* 73 N. E. 78 (1905).
- i Ind. Sale of merchandise in bulk not in course of trade void as to creditors who supplied stock or loaned money for business unless notice is given as prescribed. '03 ch.153, 9 Mr. *Unconst.* Arbitrarily creates class of preferred creditors denying equal protection of law. *McKinster v. Sager* 72 N. E. 854 (1904).

LAW (GENERAL)

- j **Kan.** City of 2d class may charge high school tuition fee. '89 ch.224, 2 Mr. *Unconst.* "Common schools" as used in Const. art.6 §2 means free schools. *Bd. of Education v. Dick* 78 P.812 (1904).
- k **Kan.** Establishing branch State Penitentiary & Oil Refinery at Peru to be operated by convict labor. '05 ch.478, 17 F. *Unconst.* Violates Const. art. 11 §8, which forbids Leg. to undertake internal improvements. *State v. Kelly* 81 P. 450 (1905).
- m **Ky.** Clerk of Circuit Court in county containing 2d class city to act on bd of election com'rs with power of sheriff. '04 ch.93, 22 Mr; amdg. '00 ch.5 §2 (ex. sess.). *Unconst.* Arbitrary classification; special legislation. *Droege v. McInerney* 87 S. W. 1085 (1905).
- n **La.** Prisoner may be tried in parish within 100 yd of boundary line of which offense was committed. R.L.'04 §988. *Unconst.* Const. art.9 provides that trial shall be in parish where offense was committed. *State v. Montgomery* 38 S. 949 (1905).
- p **La.** Appeal from conviction & fine of \$1000 in City Court for slander to be taken to District Court. '88 ch.118, 12 Jl. *Unconst.* Supreme Court has jurisdiction of appeals of \$300. *State v. Judge of 1st Dist. Court* 37 S. 546 (1904).
- q **La.** Including retail drummers in definition of hawkers & peddlers for purpose of license tax. '04 ch.49, 28 Je; amdg. '00 ch.103 §12. *Unconst.* in so far as it taxes transient merchants selling by sample; subject not included in title. *Beary v. Narrau* 37 S. 961 (1905).
- r **Md.** Landowner to have right of way over adjoining land to church, market town, etc. & may obtain private road by application to county com'rs. C. art. 25 §100-21. *Unconst.* Takes private property for private use. *Arnsperger v. Crawford* 61 A. 413 (1905).
- s **Mich.** Com'r to draft standard fire policy, amend it when necessary and fix time when its use should be obligatory. '81 ch.149, 12 My. *Unconst.* Delegation of leg. authority. *King v. Concordia Fire Ins. Co.* 103 N. W. 616 (1905).
- t **Mich.** Assmt. of corp. property for taxation. C.L.'97 §3834. *Unconst.* as to proviso taxing personalty of corp. engaged in commerce or navigation only in city, village or township named in article of incorp.; violates rule of uniformity allowing corp. to fix situs for taxation. *Teagan Transp. Co. et al. v. Bd of Assessors of Detroit* 102 N.W. 273 (1905), *City of Detroit v. Mackinaw Transp. Co.* 103 N.W. 557 (1905).
- u **Mich.** Appeal dismissed either before or after passage of act for nonpayment of register's fee may be reinstated by Supreme Court. '05 ch.15, 10 Mr amdg. C.L. '97 §552. *Unconst.* as to appeals dismissed before passage as impairing vested right. *Lohrstorfer v. Lohrstorfer* 104 N.W. 142 (1905).
- v **Minn.** "An act to enforce payment of taxes which became delinquent in & prior to 1879." '81 ch.135, 7 Mr. *Unconst.* in so far as it authorizes enforcement of taxes barred by statute of limitations. *Folsom v. Whitney* 104 N.W. 140 (1905).

- w** **Minn.** Sale by warehouseman to satisfy lien can only be made if license was obtained within 30 days after passage of act. '95 ch.149 §8, 25 Ap. *Unconst.* Class legislation. *Webb v. Downes* 101 N.W. 966 (1904).
- w1** **Minn.** "An act rel. to names of political parties on official ballot" providing that candidate should not run on 2 tickets. '01 ch.312, 13 Ap.; amended '03 ch.232, 14 Ap. *Unconst.* as to latter provision not included in title. *In re Day* 102 N.W. 209 (1904).
- w2** **Minn.** "An act to amend G.S.'94 §4284 subdiv.6 as amended by '01 ch.95 rel. to express trusts." '03 ch.132, 4 Ap. *Unconst.* Title restrictive rel. to mun. trusts while act embraces gen. subject of express trusts. *Watkins v. Bigelow* 100 N.W. 1104 (1904).
- w3** **Mo.** Agricultural or pastoral land included within limits of 4th class city to be exempt from taxation till platted in 5-acre lots. R.S. '89 §1580. *Unconst.* Const. art. 10 §3, 7 requires uniformity in taxation & abolishes all but specified exemptions. *State v. Birch* 85 S.W. 361 (1905).
- w4** **Mo.** Wages to be paid in money or order redeemable in money. R.S.'99 §8142-43. *Unconst.* Abridges freedom of contract. *Leach v. Mo. Tie & Timber Co.* 86 S.W. 579 (1905).
- w5** **Neb.** "An act to provide for encouragement of manufacture of sugar & chicory & to provide compensation therefor." '95 ch.1, 29 Mr. *Unconst.* Contains more than 1 subject. *Oxnard Beet Sugar Co. v. State* 102 N.W. 80 (1905).
- w6** **Neb.** "An act to amend §19 of ch.10 C.S. '99" authorizing county to pay for official bonds. '01 ch.11, 1 Ap. *Unconst.* Act amended mere list of officers & bonds; subject not included in title. *Knight v. Lancaster Co.* 103 N.W. 1064 (1905).
- w7** **Neb.** In counties of 50,000 surveyor to be ex officio engineer. '03 ch.32, 8 Ap. *Unconst.* There being but 2 counties with that population, act is in effect local. *State v. Scott* 100 N.W. 812 (1904).
- w8** **Neb.** "An act to provide for sale of lots & lands for taxes & assmts. delinquent for 5 yrs. . . ." '03 ch. 6, 11 Ap. *Unconst.* Authorizes private sale for any sum bid & allows commutation of taxes in violation of Const. art.9 §4. *City of Beatrice v. Wright* 101 N.W. 1039 (1904).
- w9** **Neb.** Biennial state elections. '05 ch.65, 4 Ap. *Unconst.* Changes time of election & term of certain officers regulated by Const. art.6, 18. *State v. Galusha* 104 N.W. 197 (1905).
- x** **N. H.** Prohibiting use of trading stamps. '99 ch.60, 9 Mr. *Unconst.* Imposes arbitrary restraint on trade not properly within police power. *State v. Ramseyer* 58 A. 958 (1904).
- x1** **N. J.** Where city ordinance provides penalty for keeping disorderly house, offense of repeated unlawful sales of liquor to be prosecuted under it & not by indictment. '74 ch.404 §2, 26 Mr. *Unconst.* No person to be tried for criminal offense without presentment or indictment of grand jury. *State v. Terry* 61 A. 148 (1905).
- x2** **N. J.** "An act to provide accommodations for courts & county offices. . . ." to apply only to counties of 200,000. '01 ch.123,

LAW (GENERAL)

- 22 Mr. *Unconst.* Arbitrary classification making act special. *Dickinson v. Bd of Freeholders of Hudson County* 60 A. 220 (1905).
- x3 N. J. "An act to acquire rights of fishing common to all in fresh-water lakes in certain counties. . ." '01 ch.161, 22 Mr. *Unconst.* Eminent domain can be exercised only for public use. *Albright v. Sussex County Lake & Park Com'r* 57 A. 398, 59 A. 146 (1904).
- x4 N. Y. Limiting labor of employees of independent contractor for public work to 8 hrs a day. '97 ch.415 §3, 13 My. *Unconst.* Violates const. rights of municipalities. *People v. Grout*, 72 N. E. 464 (1904).
- x5 N. Y. Limiting employment in bakery to 10 hrs a day or 60 hrs a week. '97 ch.415 §110, 13 My. *Unconst.* Restricts freedom of contract in manner not justified by police power. *Lochner v. N. Y.* 198 U.S. 45 (1905).
- x6 N. Y. Term of mayor of New York to begin at noon on Jan. 1 after election. '01 ch.466 §94, 22 Ap. *Unconst.* Term of mayor except in 3d class city to expire at end of odd numbered yr. *People v. Fitzgerald*, 73 N.E. 55 (1905).
- x7 N. C. Person acquitted of murder on ground of insanity may be committed in discretion of trial judge to hospital for dangerous insane, '99 ch.1 §65, 17 F. *Unconst.* Does not give accused notice or opportunity to be heard thus depriving him of liberty without due process of law. In re *Boyett* 48 S.E. 789 (1904).
- x8 N. C. Person committed to hospital for dangerously insane on judges order after acquittal for certain crimes on ground of insanity to be released only by act of Leg. '99 ch.1 §67, 17 F. *Unconst.* Deprives courts of power to inquire into legality of restraint. In re *Boyett* 48 S.E. 789 (1904).
- x9 O. Official and fiduciary bonds over \$2000 must be guaranteed by surety co. '04 p.182, 22 Ap. Amdg. R. S. §3641 c. *Unconst.* Restricts freedom of contract. *State v. Robins* 73 N.E. 470 (1905).
- y O. Judges of Court of Common Pleas of each county to fix salary of county surveyor. '04 p.313, 25 Ap. *Unconst.* Leg. power can not be delegated. *State v. Rogers* 73 N.E. 461 (1905).
- y1 Okl. Action to recover or partition real property or foreclose mortgage to be brought in county where subject-matter is situated. S '03 §4246. *Invalid.* Conflicts with act of Cong. May 2, 1890 ch.182 §10, requiring actions to be brought in county of defendant's residence. *Burke v. Malaby*, 78 P. 105 (1904).
- y2 Pa. In equity suit affecting property in state subpocna may issue against defendant and be served wherever found. '59 ch. 387, 6 Ap. *Unconst.* Action in personam can not be prosecuted against non-resident on process served without jurisdiction. *Wallace v. United Elec. Co.* 60 A. 1046 (1905).
- y3 S. C. Prohibiting trusts or combinations. C. C. §2845. *Unconst.* in so far as it attempts to regulate interstate commerce. *State v. Virginia.*—*Carolina Chem. Co.* 51 S.E. 455 (1905).
- y4 S. D. Prosecution for crime punishable with death or imprisonment in penitentiary may be removed on application of Atty. Gen.

- based on impossibility of securing impartial trial in county. C. L. '87 §7312-18. *Unconst.* Accused entitled to trial in county or district where offense was committed. In re Nelson 102 N.W. 885 (1902).
- 75 S. D. State Insurance Com'r to keep on file printed form for insurance policy of type of N. Y. standard policy. C. C. §664. *Unconst.* in so far as it delegates to com'r power to prescribe form of policy which is leg. function. Phenix Ins. Co. v. Perkins 101 N.W. 1110 (1905).
- 76 Tex. "An act prescribing how & by whom tickets on railroads shall be sold & providing for redemption of tickets . . . unused . . ." '93 ch.73, 2 My. *Unconst.* §3 declared void in Jannin v. State 51 S. W. 1126; act in furtherance of single scheme and therefore wholly void. Taxes & P. Ry. Co. v. Mahaffey, 84 S.W. 646 (1905).
- 77 Tex. C. O. D. sale of intoxicant to be deemed made at place of delivery & payment. '01 ch.96, 17 Ap. *Unconst.* Gives "sale" meaning foreign to sense intended in art. 16 §20 authorizing local option. Keller v. State 87 S.W. 669 (1905).
- 78 Wash. "An act creating & providing for enforcement of liens for labor & material" giving lien for "provisions" furnished to contractor. '93 ch.24 §1, 21 F. *Unconst.* Subject not included in title. Armour & Co. v. Western Construction Co. 78 P. 1106 (1905).
- 79 Wash. Vacancy in bd of county com'rs to be filled by remaining members and judge of Superior Court. Ballinger Ann. C. & S. '97 §327. *Unconst.* Const. art. 11 §6 provides that vacancy in county office be filled by bd of county com'rs. State v. Fulton 79 P. 779 (1905).
- 2 Wash. Judgment lien ceases after 6 yrs & shall not be revived. '97 ch.39, 6 Mr. *Unconst.* as to existing choses in action, impairing obligation of contracts. Howard v. Ross, 80 P. 819 (1905), Fischer v. Kittinger 81 P. 551 (1905).
- 21 Wash. "An act requiring horseshoers in cities of 1st, 2d & 3d classes . . . to pass exam. . . ." '01 ch.67, 11 Mr. *Unconst.* Trade not one affecting health, welfare & comfort of inhabitants & hence regulation not justified by police power. In re Aubry 78 P. 900 (1904).
- 22 Wash. Practice of dentistry. '01 ch.152, 18 Mr. *Unconst.* in so far as it requires exam. & license to "own, run or manage" dental office as distinguished from practice of dentistry; not within police power. State v. Brown 79 P. 635 (1905).
- 23 Wash. "An act rel. to fees of state & county officers, witnesses & jurors" imposing ad valorem tax on estates in form of probate clerk fees. '03 ch.151, 16 Mr; rep. '93 ch. 130. *Unconst.* Extraordinary tax in addition to uniform tax allowed by Const. Subject not included in title. State v. Case 81 P. 554 (1905).

Uniform laws

See also 464, Negotiable instruments

- a Ct. Reenacting '93 ch.3 establishing Com'r for Promotion of Uniform Legislation in the U.S. 4§ '05 ch.182, 29 Je

CONSTITUTIONAL LAW

- b Mass.** Extending term of office of Bd of Com'rs for Promotion of Uniformity of Legislation in the U. S. till 1908. 1§
'05 ch.172, 14 Mr
- c Pa.** Continuing Com'n for Promotion of Uniformity of Legislation in U. S. appointed by '01 ch.191, for term of 4 yrs. '05 ch.66, 31 Mr
- d Wash.** "Establishing Bd of Com'rs to Promote Uniformity of Legislation in the U. S."; biennial report to Leg. 4§ '05 ch.59, 3 Mr

15 CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

17 Boundary. Jurisdiction

- a Ct.** Com'n to be appointed to confer with like Mass. com'n rel. to relocating & marking of boundary line between states; \$7000. 3§
'05 special acts ch.469, 18 J1
- b Del.** Com'rs named to draw up compact with N. J. com'rs rel. to boundary line in Del. river & bay. 1§ '05 ch. 216, 13 F
- c Del.** Ratifying compact between Del. & N. J. rel. to Del. river & bay boundary. '05 ch. 55, 20 Mr
- d Ga.** Gov. to confer with S. C. Executive to adjust state boundaries. '05 p. 1258, 22 Ag
- e Mass.** Bd of Harbor & Land Com'rs to act with committee from Ct. in determining boundary line; \$7000. '05 r. 46, 13 Ap
- f Neb.** Authorizing Gov. to sign boundary compact with Gov. of S. D. '05 ch.234, 3 F
- g Neb.** Alteration of boundaries of Neb., Mo., Ia. & S. D. consequent upon change effected by Mo. river; reciprocal provisions; cession of certain lands to Ia. 3§ '05 ch. 153, 30 Mr, '05 ch.154, 4 Ap
- h N. J.** Com'n of 3 members designated to draft with Del. com'n compact to settle boundary controversies. '05 p.563, 14 F
- i N. J.** "An act to ratify . . . compact . . . between . . . N. J. & Del. respecting Del. river & bay . . ." arranged by com'n appointed Feb. 14, 1905. 11§ '05 ch.42, 21 Mr
- j N. C.** Gov. to appoint surveyor to rerun portion of boundary line between S. C. & N. C. 4§ '05 ch.406, 4 Mr
- k Tenn.** Provision for settling disputed boundary line between Tenn. & N. C. '05 p.1284, 30 Mr
- m Tenn.** Com'n to be appointed to confer with Ga. com'r to settle disputed boundary line. 3§ '05 ch.499, 17 Ap
- n Vt.** "An act to establish the boundary line between Vt. & N. Y. from northwest corner of Mass. to Poultney river." 1§
'04 ch.193, 9 D
- 18 Cessions to United States**
- a Me.** Ceding to U. S. exclusive jurisdiction over land acquired for public purpose & authorizing acquisition thereof. 3§
'05 ch.50, 11 Mr
- b N. J.** Rep. '96 ch.23, which ceded to U. S. jurisdiction over palisades of Hudson river for military & national park. 1§
'05 ch.56, 25 Mr

- c Pa. Amdg. '83 ch.105 §1 rel. to jurisdiction over lands ceded to U. S.; limit on amount; exemption from taxation. 2§
'05 ch.29, 17 Mr
- d Tex. Authorizing U. S. to condemn land for public improvements; procedure. 22§
'05 ch.73, 22 Ap

19

Statistics

See also 938 Vital, statistics

- a Cal. Bureau of Labor Statistics to report biennially to Leg. statistics rel. to marriage, divorce & crime; county & city officers to furnish data. 2§
'05 ch.113, 18 Mr

21

Census

See also 2274, School 'census

- a Fla. State census to be taken in 1905. 5§
'05 ch.98, 5 Je
- b Mass. Printing and distribution of decennial census report of 1905. '05 r.66, 4 My
- c Minn. Decennial census to be taken during June, 1905. 22§
'05 ch.124, 7 Ap
- d N. J. Decennial census to be taken during 1905; procedure. Rep. '85 ch.177. 22§
'05 ch.125, 12 Ap
- e N. Y. Providing for decennial state census in May & June, 1905. 21§
'05 ch.83, 21 Mr
- f N. Y. Amdg. '05 ch.83 §3, 10 rel. to filing description of town by boundaries & election districts for use of census takers; facts for enumeration. 2§
'05 ch.144, 7 Ap
- g N. D. State census to be taken in 1905 & every 10 yrs thereafter under direction of Sec. of State. 14§
'05 ch.168, 13 Mr
- h S. D. Providing for taking of decennial state census from May 1 to July 1, 1905. 31§
'05 ch.63, 25 Ja

22

State coat of arms, name, seal, flag, flower, song

24 Flag

- a Mon. Establishing state flag. 3§
'05 ch.42, 27 F
- b Nev. Adopting state flag. 1§
'05 ch.27, 25 F
- c Tenn. Adopting state flag. 1§
'05 ch.498, 17 Ap
- d W. Va. Adopting state flag. '05 p.520, 24 F

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Constitutions

BY HELEN PAGE BATES PH. D.

32

Revision

- a Ct. Referring to Leg. of 1907 const. amdt. in form of revision of Const. 14p.
'05 p. 553, 19 Jl
- b Mich. Submitting question of calling convention to revise Const. Vote Ap 1906. 4§
'05 ch.325, 20 Je

33

Amendment*See also 181, Ballots*

- a **Fla.** Proposed const. amdts. to be displayed at voting precincts on day of election. 2§ '05 ch.34, 19 My
- b **Fla.** Submitting amdt. to Const. 1885 art. 17 §1: const. amdt. after passage by Leg. to be published for 3 mo. [1] preceding next gen. election of representatives; amdt. to be part of Const. from date of adoption. Vote Nov. 1906. 1§ '05 p.438, 6 Je
- c **Mich.** "An act to secure greater publicity concerning proposed amdts. to Const." 2§ '05 ch.23, 20 Mr
- d **S. D.** Amdg. P. C. §1910 rel. to publication of const. amdts. 1§ '05 ch.72, 28F
- e **Wis.** Amdg. S. '98 §20: Sec. of State to publish notice of const. amdt. or other question to be submitted to vote of electors. 1§ '05 ch.360, 12 Je

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Amendments pending

Amendments acted on during current year are duplicated under the special subjects to which they pertain. This list includes all pending amendments whether acted on during the current or previous years.

- a **Cal.** Submitting amdt. to Const. 1879 art. 11 by adding §16½ regulating public depositories: security; apportionment. Vote Nov. 1906. 1§ '05 p.1062, 7 Mr
- b **Cal.** Submitting amdt. to Const. 1879 art. 20 §16: provision of mun. charter to control tenure of office of employees. Vote Nov. 1906. 1§ '05 p.1063, 7 Mr
- c **Cal.** Submitting amdt. to Const. 1879 art. 11 §8: city of 3500 may adopt new charter. Vote Nov. 1906. 1§ '05 p.1064, 8 Mr
- d **Cal.** Submitting amdt. to Const. 1879 art. 11 by adding §13½: public bond may be made payable in any place in U. S. Vote Nov. 1906. 1§ '05 p.1067, 10 Mr
- e **Cal.** Submitting amdt. to Const. 1879 art. 6 §17 rel. to salary of Superior and Supreme Court judge. Vote Nov. 1906. 1§ '05 p.1069, 10 Mr
- f **Cal.** Submitting amdt. to Const. 1879 art. 5 §15, 19 rel. to salary & duties of Lieut. Gov. Vote Nov. 1906. 2§ '05 p.1070, 10 Mr
- g **Cal.** Submitting amdt. to Const. 1879 art. 12 §7: corp. charter or franchise may be extended 50 yrs by consent of ⅔ stock. Vote Nov. 1906. 1§ '05 p.1071, 10 Mr
- h **Cal.** Submitting amdt. to Const. 1879 art. 9 by adding §13 exempting Cogswell Polytechnical College from taxation; Leg. may revive or modify at will. Vote Nov. 1906. 1§ '05 p.1072, 10 Mr
- i **Cal.** Submitting amdt. to Const. 1879 art. 5 §19: salary of Gov. \$10,000 [\$6000]; Atty. Gen. \$6000 [\$3000]; Sec. of State, Compt., Treasurer & Surveyor Gen. \$5000 [\$3000]; clerk not to exceed \$1800 [\$1600]. Vote Nov. 1906. 1§ '05 p.1073, 10 Mr
- j **Cal.** Submitting amdt. to Const. 1879 art. 4 §2, 23: time limit for introduction of bills; salary of member of Leg. \$1000 a session [\$8 a day]; Leg. may employ attendants to amount of \$500 a day. Vote Nov. 1906. 2§ '05 p.1075, 10 Mr

- k** Col. Submitting amdt. to Const. 1876 art. 7 §8: voting machines may be used providing secrecy is assured; bonds may be issued to purchase. Vote Nov. 1906. 3§ '05 ch.84, 10 Ap
- n** Ct. Referring to Leg. of 1907 const. amdt. in form of revision of Const. 14p. '05 p.553, 19 JI
- p** Del. Referring to Leg. of 1907 amdt. to Const. 1897 art. 5 §4: voter not required to pay registration fee to qualify. 1§ '05 ch.4, 30 Mr
- q** Fla. Submitting amdt. to Const. 1885 art. 16, by adding §32-35: creating Bd of Drainage Com'rs & Drainage Districts; lien for taxes; assmt. of benefits. Vote Nov. 1906. 4§ '05 p.435, 27 My
- r** Fla. Submitting amdt. to Const. 1885 art. 5 §9: salary of justice of Supreme Court \$4000 [\$3000]; circuit judge \$3500 [\$2500]. Vote Nov. 1906. 1§ '05 p. 432, 31 My
- s** Fla. Submitting amdt. to Const. 1885 art. 5 by adding §39: salary of judge of Criminal Court of Record graded according to population of county. Vote Nov. 1906. 1§ '05 p. 432, 6 Je
- t** Fla. Submitting amdt. to Const. 1885 art. 5 by adding §40-47: establishing Court of Record in Escambia county & defining jurisdiction. Vote Nov. 1906. 8§ '05 p.433, 6 Je
- u** Fla. Submitting amdt. to Const. 1885 art. 17 §1: const. amdt. after passage by Leg. to be published for 1 mo. [3] preceding next gen. election of representatives; amdts. to be part of Const. from date of adoption. Vote Nov. 1906. 1§ '05 p. 438, 6 Je
- v** Ga. Submitting amdt. to Const. 1877 art.6 §3 ¶1: Leg. may increase or reduce number of judges of Superior Court for each circuit. Vote Oct. 1906. 5§ '05 p.66, 22 Ag
- v1** Id. Submitting amdt. to Const. 1889 art.18 §10: county com'rs to be elected for 4 [2] yrs. Vote Nov. 1906. 3§ '05 p.437, 2 F
- v2** Id. Submitting amdt. to Const. 1889 art.9 §11: school funds may be invested in county, mun. or school district bonds or state warrants. Vote Nov. 1906. 2§ '05 p.438, 23 F
- v3** Id. Submitting amdt. to Const. 1889 art.18 §6 rel. to county, township & precinct officers. Vote Nov. 1906. 3§ '05 p.439, 1 Mr
- v4** Id. Submitting amdt. to Const. 1889 art. 7 §9: state tax rate on real & personal property limited to 1% of assessed valuation [maximum rate graded according to total valuation] except on majority vote at gen. election. Vote Nov. 1906. 2§ '05 p.441, 2 Mr
- v5** Id. Submitting amdt. to Const. 1889 art. 7 §8: railroads hereafter constructed may be exempt from taxation for 10 yrs from beginning of construction. Vote Nov. 1906. 3§ '05 p.440, 3 Mr
- v6** Id. Submitting amdt. to Const. 1889 art.8 §4: local divisions may vote donations to railroads or works of internal improvement on submission to voters at special election; provisos. Vote Nov. 1906. 4§ '05 p.435, 10 Mr
- v7** Id. Submitting amdt. to Const. 1889 art.8 §3: local divisions may incur public indebtedness on majority [3] vote at special election. Vote Nov. 1906. 4§ '05 p.435, 10 Mr

CONSTITUTIONAL LAW CONSTITUTIONS

- v8 Ind.** Submitting amdt. to Const. 1851 art.7 §21: Leg. to prescribe requirements for admission to bar. Vote Nov. 1906. 1§
'05 ch.171, 4 Mr
- w Ia.** Referring to Leg. of 1906 amdt. to Const. 1857 art. 1 by adding §18: Leg. may regulate construction of drains etc. across private lands, provide for organization of drainage districts & maintenance of drains, & define procedure. '04 p.210, 9 Ap
- w1 Kan.** Submitting amdt. to Const. 1859 art.2 §17: courts to determine whether law is repugnant to const. provision against special laws. Vote Nov. 1906. 2§ '05 ch.543, 20 Ja
- w2 Kan.** Submitting amdt. to Const. 1859 art.12 §2: stockholder in corp. liable to [additional] amount of [equal to] stock owned. Vote Nov. 1906. 2§ '05 ch.542, 27 Ja
- w3 Kan.** Submitting amdt. to Const. 1859 art.15 §4: State Printer to be elected in Nov. 1906 & every 2 yrs thereafter [appointed by Leg. in joint session]. Vote Nov. 1906. 2§ '05 ch.545, 19 F
- w4 Kan.** Submitting amdt. to Const. 1859 art.3 §8: Leg. may provide for appointment of judge pro tem in absence or disability of probate judge; probate judge may receive salary & clerk. Vote Nov. 1906. 2§ '05 ch.544, 22 F
- w5 Minn.** Submitting amdt. to Const. 1857 as substitute for art.9 §1-4: power of taxation indestructible; taxes to be uniform & for public purpose; exemptions; special assmts. Vote Nov. 1906. 3§ '05 ch.168, 13 Ap
- w6 Minn.** Submitting amdt. to Const. 1857 art.9 §16: Leg. may levy tax of $\frac{1}{4}$ [$\frac{1}{8}$] mill for bridge & road fund; omitting clause rel. to appointment of State Highway Com'n. Vote Nov. 1906. 3§ '05 ch.212, 17 Ap
- w7 Minn.** Submitting amdt. to Const. 1857 art.1 by adding §18: person may sell or peddle product of own farm or garden without license. Vote Nov. 1906. 2§ '05 ch.283, 19 Ap
- w8 Miss.** Submitting amdt. to Const. 1890 by repealing §105 which required Leg. to take decennial state census. Adopted Nov. 1904 but not inserted in Const. by resolution of Leg. '04 ch.171, 8 Mr
- x Mo.** Submitting amdt. to Const. 1875 art.9 §10: sheriff & coroner to be elected for 4 [2] yrs; eligible for reelection [only 4 out of 6 yrs]. Vote Nov. 1906. '05 p.308
- x1 Mo.** Submitting amdt. to Const. 1875 art.10 §12: political corp. with assent of $\frac{2}{3}$ voters may become indebted to amount greater than annual revenue *for grading, constructing, paving & maintaining roads*. Vote Nov. 1906. '05 p.309
- x2 Mon.** Submitting amdt. to Const. 1889 art.5 §1 establishing initiative and referendum. Vote Nov. 1906. 3§ '05 ch.61, 2 Mr
- x3 Neb.** Submitting amdt. to Const. 1875 by adding article: providing for State Ry. Com'n to consist of 3 members elected in Nov. 1906 for 6 yr term; to regulate rates, service & control of common carriers; provision in case no specific law passed by Leg. Vote Nov. 1906. 3§ '05 ch.233, 4 Ap

- x4 Nev. Amdg. Const. 1864 art.10 §1: proceeds only of *unpatented* mines & mining claims to be taxed; patented mines to be assessed at \$500 or more; exception.
'03 p.240, 20 Mr; repassed '05 p.277, 3 Mr
- x5 Nev. Referring to Leg. of 1907 amdt. to Const. 1864 art.11 §3: school funds may be invested in bonds of any city or county in U. S.
1§ '05 p.277, 13 Mr
- x6 N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial com'rs in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 yrs; salary \$12,000; powers.
'04 p.1933, 8 Ap
- x7 N. Y. Referring to next Leg. amdt. to Const. 1894 art.7 §7 relating to forest preserve: Leg. may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack park & Catskill park; proceeds to be used for purchase of lands within parks; regulations.
'04 p.1934, 9 Ap
- x8 N. Y. Referring to next Leg. amdt. to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county.
'04 p.1935, 14 Ap
- x9 N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §1, 7 as amended in 1899: Leg. may increase number of justices of Supreme Court, & judges of Court of Appeals not to exceed 11, on $\frac{2}{3}$ vote of members of each house; divisions of latter; quorum; concurrence.
'04 p.1936, 14 Ap
- y N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court com'rs have been appointed may designate additional com'rs and may revoke designation.
'04 p.1938, 15 Ap
- y1 N. D. Submitting amdt. to Const. 1889 §162: school funds may be invested in county, township or mun. bonds. Vote Nov. 1906. 1§
'03 p.294, 24 F; '05 p.349, 2 Mr
- y2 N. D. Referring to Leg. of 1907 amdt. to Const. 1889 §158 rel. to sale of school lands; provisos. 1§
'05 ch.350, 6 Mr
- y3 N. D. Referring to Leg. of 1907 amdt. to Const. 1889 §89: Supreme Court to consist of 5 [3] judges. 1§
'05 p.351, 6 Mr
- y4 N. D. Referring to Leg. of 1907 amdt. to Const. 1889 §162: school funds may be invested in drainage bonds or bonds of states not having repudiated indebtedness. 1§
'05 ch.101, 25F; '05 p.351, 25 F
- y5 S. C. Submitting amdt. to Const. 1895 art. 3 §9: sessions of Leg. after 1906 to be held *biennially* [formerly annually]. Adopted Nov. 1904, but not ratified by Leg. of 1905.
'04 ch.383, 11 F
- y6 S. D. Submitting amdt. to Const. 1889 art. 9 §7: Leg. may impose additional qualifications for school sup'ts consistent with Const. art. 7 §9. Vote Nov. 1906. 1§
'05 ch.68
- y7 S. D. Submitting amdt. to Const. 1889 art. 5 §23: in city of 5000 Leg. may substitute for police magistrates Mun. Court with jurisdiction of justice of peace & provide for election of judges. Vote Nov. 1906.
'05 ch.69

- y8** S. D. Submitting amdt. to Const. 1889 art. 21 by adding §6: Leg. may provide for drainage of agricultural lands, organize drainage districts & authorize special assmts. to maintain. Vote Nov. 1906. 1§ '05 ch.70
- z** S. D. Submitting amdt. to Const. 1889 art. 11 §1: Leg. to impose tax not to exceed 1½ mills for support of cordage plant at State Penitentiary during 1907. Vote Nov. 1906. 1§ '05 ch.71
- z1** Tex. Submitting amdt. to Const. 1876 art. 8 §2: endowment fund of educational & religious inst. invested in bonds & mortgages exempt from taxation for 2 yrs after purchase. Vote Nov. 1906. 4§ '05 p.410, 15 Ap
- z2** Tex. Submitting amdt. to Const. 1876 art. 8 §9: county, city or town tax of 1½ mills on \$1 may be levied to pay jurors. Vote Nov. 1906. 2§ '05 p.411, 15 Ap
- z3** Tex. Submitting amdt. to Const. 1876 art. 3 § 24: salary of legislator; prohibiting acceptance of privileges from telegraph or telephone co. or common carrier. Vote Nov. 1906. 1§ '05 p.412, 15 Ap
- z4** Wash. Submitting amdt. to Const. 1889 art. 21 §1: making use of water for removal of timber products a public use. Vote Nov. 1906. 4§ '05 ch. 67, 3 Mr
- z5** Wash. Submitting amdt. to Const. 1889 art. 1 §16 rel. to eminent domain. Vote Nov. 1906. 4§ '05 ch. 65, 4 Mr
- z6** Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art. 8 §1: Leg. to provide for graduated income tax. '03 p.776; '05 p.992
- z7** Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art. 8 §10: state may appropriate money or levy tax for construction or improvement of public highways. '05 p.991
- z8** Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art. 3 §1 ¶12: qualified electors to include [white] persons of foreign birth declaring intention to become citizens *prior to Dec. 1, 1908; proviso.* '05 p.994
- z9** Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art. 5 §10: bills not returned by Gov. within 6 [3] days to become law; proviso. '05 p.994

35 Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a** Ct. Amdg. Const. 1818 by adding section: voting machines may be used in elections. Adopted Oct. 1905. '03 p.207, 20 My; '05 ch.190, 29 Je
- b** Ct. Amdg. Const. 1818 by adding section: towns may hold annual or biennial elections. Adopted Oct. 1905. '03 p.207, 20 My; '05 ch.190, 29 Je
- d** Mich. Amdg. Const. 1850 art. 6 §6: bd of supervisors of Genesee county may pay circuit judge additional salary. Adopted Ap. 1905. 1§ '05 p.528
- e** Mich. Amdg. Const. 1850 art. 10 §10: Genesee county to have county bd of auditors. Adopted Ap. 1905. 1§ '05 p.530
- f** Mich. Amdg. Const. 1895 art. 14 §9: state may aid in improvement of wagon roads. Adopted Ap. 1905. 1§ '05 p.531

- g N. Y. Amdg. Const. 1894 art. 8 §10: debts of New York city for water supply excepted from const. limit of city indebtedness. Adopted Nov. 1905. '01 p.1804, 14 Mr; '03 p.1456, 23 Ap
- h N. Y. Amdg. Const. 1894 art. 7 by adding §11: Leg. may pay from funds in treasury sinking fund charges, interest & principal of debts heretofore or hereafter created; if other funds suffice no direct annual tax need be imposed. Adopted Nov. 1905. '02 p.1801, 12 Mr; '03 p.1451, 22 Ap
- i N. Y. Amdg. Const. 1894 art. 6 §1: Leg. may increase justices in any judicial district but number may not exceed 1 justice for each 60,000 or fraction over 35,000; 1st & 2d districts excepted. Adopted Nov. 1905. '02 p.1802, 21 Mr; '03 p.1452, 22 Ap
- j N. Y. Amdg. Const. 1894 art. 12 §1: Leg. may regulate wages, hrs & condition of labor employed by state or any civil division or on public contracts. Adopted Nov. 1905. '02 p.1803, 27 Mr; '03 p.1453, 22 Ap
- k N. Y. Amdg. Const. 1894 art. 7 by adding §12: Leg. may contract debts for improvement of highways, limited to \$50,000,000; counties to pay not more than 35%, or towns 15% of cost of highway. Adopted Nov. 1905. '03 p.1454, 2 Ap; '05 p.2138, 13 Ap
- m N. Y. Amdg. Const. 1894. art. 7 §4 rel. to creation & payment of state debts: direct annual tax to be levied to pay annual interest charge, & principal within 50 [formerly 18] yrs from date of contraction. Adopted Nov. 1905. '03 p.1454, 22 Ap; '05 p.2139, 4 Ap
- n N. Y. Amdg. Const. 1894 art. 6 §2 as amended in 1899: justice of Supreme Court, when not acting as appellate justice, may hold term of Supreme Court in any county or judicial district in any other department of state. Adopted Nov. 1905. '04 p.1931, 6 Ap; '05 p.2141, 19 Ap
- p O. Amdg. Const. 1851 by adding art.17: elections of state & county officers to be held Tues. after 1st Mon. in Nov. in even years; of other elective officers, in odd years; Leg. to fix even year terms of administrative & judicial officers within certain limits. Adopted Nov. 1905. '04 p.640, 18 Mr
- q O. Amdg. Const. 1851 art.12 §2: state, local gov't & school bonds to be exempt from taxation. Adopted Nov. 1905. '04 p.652, 25 Ap
- r S. C. Ratifying amdt. to Const. 1895 adopted by people Nov. 1904: Leg. may pass local & special laws rel. to construction & working of roads; drainage. 1§ '05 ch.408, 18 F
- s S. C. Ratifying amdt. to Const. 1895 art.8 §7 adopted by people Nov. 1904: Greenville may increase bonded debt to 15% of taxable property for street improvement or sewerage, purchase of water or electric light plant or payment of past indebtedness. 1§ '05 ch.479, 20 F
- t S. C. Ratifying amdt. to Const. 1895 art.3 §34 subdiv.2, 9 adopted by people Nov. 1904: Leg. may pass local or special law to regulate highway work or to prescribe age for road duty. 1§ '05 ch.482, 9 Me

Amendments rejected

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ct. Referring to Leg. of 1905 const. amdt.: Gov. or Leg. may not appoint during session any member to remunerative office; U. S. senator & notary public excepted. Not repassed in 1905.
 - '03 p.207, 20 My
- ai Ky. Amdg. Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. Rejected Nov. 1905.
 - '04 ch.30, 14 Je
- b Md. Amdg. Const. 1867 art.1 §1 rel. to suffrage: registration restricted to those who are able to explain any section of Const. or who were qualified voters in 1869 or are the lineal descendants of such voters. Rejected Nov. 1905.
 - '04 ch.96, 10 Mr (not in session laws)
- c Md. Amdg. Const. 1867 art. 3 §34: Leg. may apportion to Baltimore city and the several counties \$400,000 annually for construction & maintenance of highways. Rejected Nov. 1905.
 - '04 ch.97, 10 Mr (not in session laws)
- ci Nev. Referring to Leg. of 1905 amdt. to Const. 1864 art.15 §13 relating to leg. apportionment: each county to have at least 1 senator & 1 assemblyman; enumeration. Not repassed in 1905.
 - '03 p.230, 10 Mr
- d Nev. Referring to Leg. of 1905 amdt. to Const. 1864 art.4 §1: provision for initiative on petition of 10% of voters of state, & referendum on petition of 7% of voters, or by act of Leg. Not repassed in 1905.
 - '03 p.231, 12 Mr
- e Nev. Referring to Leg. of 1905 amdt. to Const. 1864 adding article: state may furnish public utilities; debt contracted not to exceed 10% of taxable property; provision for referendum. Not repassed in 1905.
 - '03 p.232, 12 Mr
- g Or. Referring to Leg. of 1903 amdt. to Const. 1857 art.11 §2: gen. laws to be passed for incorp. of cities; cities may frame & adopt charters without submission to Leg. Repassed in 1903 but no provision for submission.
 - '01 p.471, 15 F; '03 p.346, 4 F
- h Or. Referring to Leg. of 1903 amdt. to Const. 1857 art.1 §35 which prohibited negroes from residing in state. Repassed in 1903 but no provision for submission.
 - '01 p.479, 12 F; '03 p.347, 6 F
- i Or. Referring to Leg. of 1905 amdt. to Const. 1857 art.2 by adding section: right of suffrage to be extended to women. Not repassed in 1905.
 - '03 p.37 (ex. sess.)
- j R. I. Amdg. Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Leg. to [formerly may] reapportion representation after every U. S. [formerly or state]

census & divide each city & town into representative districts; no town or city to have more than $\frac{1}{4}$ [formerly $\frac{1}{3}$] of whole number of members. Rejected Nov. 1905. '04 r. 1, 13 Ap; '05 ch.1212, 14 F

38

Officers. Departments

BY HELEN PAGE BATES Ph.D.

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

- a Ct. Appointment & salary of deputy to Sec., Treasurer & Compt. Rep. G.L.'02 §144, '03 ch.144. 3§ '05 ch.243, 19 J1
- b Ct. Amdg. G.S.'02 §82: Gov. to fill vacancy, while Gen. Assembly not in session, in office filled by Gen. Assembly *till successor qualifies*. 1§ '05 ch.262, 19 J1
- c N. D. Fixing amount for clerk hire to be allowed various state offices; salary of chief deputy \$1800; clerical appointments to be approved by Gov.; monthly payments. 2§ '05 ch.18, 14 Mr
- d R. I. Filling of certain vacancies for unexpired term by Leg. when resignation to take effect before succeeding Leg. 2§ '05 ch.1248, 11 My
- 38(1 Civil service examination
 - a Ill. Civil service code. 37§ '05 p.113, 11 My
 - b Wis. Civil service law. 33§ '05 ch.363, 14 Je
- 38(3 Oath. Installation
 - a N. D. Amdg. R.C.'99 §354 rel. to time when officers shall qualify. 2§ '05 ch.140, 13 Mr
- 38(4 Bonds. Sureties
 - a Ct. Amdg. G.S.'02 §87, 4797-98; '03 ch.141 §9 rel. to bonds of state officers. 4§ '05 ch.23, 2 My
 - b Mich. State to pay for bond required of state officer. 1§ '05 ch.311, 17 Je
 - c Neb. Amdg. C.S.'03 §8089 rel. to bonds of state & local officers. 3§ '05 ch.10, 9 F
 - d Neb. Amdg. Ann.S.'03 §9017: incorporated surety co. may serve on bond of public officer during successive terms. 3§ '05 ch.11, 25 Mr
 - e N. M. Official bonds to be filed with Sec. of Territory; transfer from other offices. 2§ '05 ch.59, 14 Mr
 - f N. M. "An act to provide for furnishing proper bonds by territorial & county officials." 3§ '05 ch.106, 16 Mr
 - h U. Approval & custody of bonds to the state. 1§ '05 ch.35 4 Mr
 - i Wash. Premium on bond of treasurer of state, county or 1st-3d class city to be paid by gov't. 1§ '05 ch.52, 2 Mr
 - j W. Va. Amdg. C. ch.10 §21 rel. to relief of surety on official bond. 1§ '05 ch. 54, 17 F
- 38(5 Preference of veterans
 - a Mass. Amdg. R.L. ch.19 §23: Civil War veteran in public service *not to be lowered in rank or compensation except after hearing on charges*. 1§ '05 ch.150, 9 Mr

38(7 Reports

- a** Mon. State & state institutional officials, except educational officer, to make semiannual report; penalty. 3§ '05 ch.56, 2 Mr

38(8 Salaries. Fees

- a** Cal. Submitting amdt. to Const. 1879 art.5 §19: salary of Gov. \$10,000 [\$6000]; Atty. Gen. \$6000 [\$3000]; Sec. of State, Compt., Treasurer & Surveyor Gen. \$5000 [\$3000]; clerk not to exceed \$1800 [\$1600]. Vote Nov. 1906. 1§ '05 p.1073 10 Mr
- b** Cal. State officer shall not retain official fee for own use. Adds P.C. §1033. 1§ '05 ch.229, 18 Mr
- c** Cal. Amdg. P.C. §418-19, 456, 485: salaries; Deputy Sec. of State & State Treasurer \$700 [\$400]; bookkeeper \$2400 [\$2000]; Deputy Surveyor Gen. \$2700 [\$2400]. 4§ '05 ch.580, 22 Mr
- d** Ct. Joint leg. committee of 3 to investigate compensation of state officers & employees in Capitol; report to present Leg. 4§ '05 special acts ch.135, 19 Ap
- e** Kan. Authorizing appointment & fixing salaries of clerks in executive & judicial dep'ts of state. Amds. G.S.'01 §6081 & rep. §463, 1905, 6083-84, 6800. 26§ '05 ch.488, 9 Mr
- f** Me. Amdg. R.S.'03 ch.116 §11 ¶1 as to fees of Executive Council at extra sessions. 1§ '05 ch.53, 15 Mr
- g** Me. Compensation of member of examining bds of medicine, dentistry, pharmacy, embalming & law \$5 a day up to amount of exam. fees. 1§ '05 ch.54, 15 Mr
- h** Me. "An act rel. to compensation of trustees, visiting committees & Bd of Cattle Com'rs." 1§ '05 ch.65, 15 Mr
- i** Me. Salary of Sec. of State \$2500; Insurance Com'r \$1800; deputy \$1200; Bank Examiner \$2500; clerk of State Assessors \$1200. 5§ '05 ch.159, 24 Mr
- j** N. H. Compensation of member of Gov's. council \$8 [\$3] a day. Rep. P.S. ch.286 §21. 2§ '05 ch.110, 10 Mr
- k** N. J. Civil War veteran 40 yrs in public service may retire on half pay. 3§ '05 ch.92, 3 Ap
- m** N. J. Rep. '79 ch.204 rel. to official fees & accountings for same. 1§ '05 ch.109, 6 Ap
- n** Or. Salaries of certain state officers; fees to be paid into treasury. 6§ '05 ch.68, 11 F
- p** Vt. Amdg. '02 ch.153 §9: *every salaried state officer* [county clerk] to report amount received by him or his clerk in fees. 1§ '04 ch.168, 1 D
- q** Wash. "An act relating to fees of state & county officers, witnesses & jurors" imposing ad valorem tax on estates in form of probate clerk fees. '03 ch.151, 16 Mr; rep. '93 ch.130. *Unconst.* Extraordinary tax in addition to uniform tax allowed by Const.; subject not included in title. *State v. Case* 81 P. 554 (1905).

38(9 Tenure of office. Discipline

- a** Fla. Prohibiting acceptance of rewards by public officer; police officers may accept reward for taking criminal. 4§ '05 ch.45, 24 My

- b Mass. Amdg. '04 ch.314 §2: employee under civil service may be summarily suspended for 30 days pending further action. 1§
'05 ch.243, 30 Mr
- c N. H. Amdg. '03 ch.92 §1: state & county offices may be closed on legal holidays & Sat. afternoon. 2§
'05 ch.39, 1 Mr
- d N. M. Amdg. '03 ch.57 §2: Gov. may remove territorial or county officer becoming surety. 1§
'05 ch.85, 15 Mr
- e O. Amdg. Const. 1851 by adding art.17: Leg. to fix even year terms of administrative & judicial officers within certain limits. Adopted Nov. 1905. '04 p.640, 18 Mr
- f R. I. Gov. may remove notary, com'r of deeds or justice of peace on giving copy of charges & opportunity to be heard. Adds G.L. ch.24 §11. 1§
'05 ch.1220, 13 Ap
- g Wy. Gov. may remove appointive state officer or com'r for cause filed with Sec. of State & open to inspection of party interested. 2§
'05 ch.59, 20 F

40 Governor

See also 782, Executive mansion; 852, Governor's contingent fund

43 Salary

- a Del. Amdg. '98 ch.51: salary of Gov. \$4000 [\$2000]. 1§
'05 ch.61, 16 Mr
- b Fla. Salary of Gov. \$5000. 2§
'05 ch.102, 31 My
- c Me. Amdg. R.S.'03 ch.116 §1: salary of Gov. \$3000 [\$2000]. 1§
'05 ch.56, 15 Mr

44 Secretary. Clerks. Employees

- a Nev. Salary private sec. to Gov. \$1800. 2§
'05 ch.57, 13 Mr
- b Or. Gov. may employ agents to collect evidence in action in which state is interested or for apprehension of criminal. 3§
'05 ch.49, 10 F

45 Veto

- a Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.5 §10: bills not returned by Gov. within 6 [3] days to become law; proviso.
'05 p.994

48 Lieutenant governor

- a Cal. Submitting amdt. to Const. 1879 art.5 §15, 19 rel. to salary & duties of Lieut. Gov. Vote Nov. 1906. 2§
'05 p.1070, 10 Mr

49 Secretary of state

- a Ct. Salary of 1st assistant clerk to Sec. of State, \$1600. 1§
'05 ch.279, 19 Jl
- b Del. Salary of Sec. of State \$4000, in lieu of fees. Rep.'98 ch.54, '99 ch.166 §18, '01 ch.15 §18. 6§
'05 ch.62, 3 Ap
- c Mon. Amdg. P.C. §410 rel. to fees of Sec. of State. 2§
'05 ch.74, 3 Mr
- d Nev. Sec. of State may employ stenographer; salary \$900. 1§
'05 ch.15, 21 F
- e N. C. Amdg. C §3724: Sec. of State allowed \$1200 [\$1000] annually for clerical assistance. 1§
'05 ch.549, 6 Mr

- f R.I. \$200 annually for additional clerical assistance to Sec. of State. 1§ '05 ch.1254, 11 My
- g U. Sec. of State to give \$25,000 bond. 1§ '05 ch.14, 23 F
- h U. Amdg. R.S.'98 §965 rel. to fees of Sec. of State. 1§ '05 ch.127, 16 Mr
- i Wis. Amdg. S.'98 §170: provision for additional clerical force in office of Secretary of State to take census. 2§ '05 ch.60, 8 A

50

Attorney general

- a Col. Salary of Atty. Gen. \$5000; appointment of deputy. 1§ '05 ch.76, 10 Ap
- b Del. Salary of Atty. Gen. \$2500; appointment of deputy, at salary \$1000. 3§ '05 ch.63, 22 Mr
- c Ga. Salary of Atty. Gen. \$3000. '05 p.94, 22 Ag
- d Me. "An act enlarging duties & fixing compensation of Atty. Gen.": to advise county attys. & assist them in treason & murder cases. 8§ '05 ch.162, 24 Mr
- e Mass. "An act to authorize certain advances to Atty. Gen. from treasury of commonwealth." Amds. R.L. ch.6 §35. 1§ '05 ch.369, 4 My
- f Minn. Powers & duties of Atty. Gen.; salary \$4800; assistants. 10§ '05 ch.227, 17 Ap
- g Mo. Appointment, duties & compensation of 2 deputy Atty. Gen. & chief clerk. 3§ '05 p.50, 21 F
- h Neb. Amdg. C.S.'03 §819: official bond of deputy Atty. Gen. \$10,000. 2§ '05 ch.12, 1 Ap
- i Nev. Atty. Gen. to appoint stenographer; salary \$75 a mo. 2§ '05 ch.5, 9 F
- j Pa. Salaries of Atty. Gen., deputy & clerical assistants. 3§ '05 ch.237, 4 My
- k Tenn. Atty. Gen. & reporter may appoint assistant at \$2000 salary, also 2d assistant without salary. 3§ '05 ch.500, 17 Ap
- m Vt. Creating office of Atty. Gen.; biennial report to Leg. Rep. S. §289. 10§ '04 ch.57, 18 N; '04 ch.58, 10 D

55

State examiner

- a Cal. Amdg. P.C. §684-85 rel. to salaries of clerical assistants to sec. of State Bd of Examiners. 2§ '05 ch.10, 15 F
- b N. D. Amdg. R.C.'99 §145: State Examiner may appoint 2 additional deputies at \$1800. 1§ '05 ch.170, 25 F
- c N. D. Amdg. R.C.'99 §146: official bond of deputy to State Examiner, \$5000, to be approved by Gov. 1§ '05 ch.169, 7 Mr
- d S. D. Amdg. P.C. §118: salary of Public Examiner \$1800 [\$1500], & necessary expenses [not exceeding \$750]. 2§ '05 ch.148, 8 Mr
- e Vt. Amdg. S. §291 rel. to appointment of Inspector of Finance. 3§ '04 ch.20, 2D

57 Officers and departments created, abolished or reorganized

Courts and court officers not included

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a** **Ari.** Creating office of Public Examiner to be appointed for 2 yrs by Gov. & Council at \$2400 salary; to enforce uniform system of county accounts; annual report to Gov. Rep. Pen.C. §816. 9§
'05 ch.40, 16 Mr
- a1** **Ari.** Creating Territorial Fair Com'n to consist of 3 members appointed by Gov. for 2 yrs; compensation; to establish & manage annual fair; \$7500 annual appropriation. 9§ '05 ch.64, 16 Mr
- a2** **Cal.** Creating State Bd of Forestry to consist of Gov., Sec. of State, Atty. Gen. & State Forester appointed by Gov.; annual report of State Forester to Gov. '05 ch.264, 18 Mr
- a3** **Cal.** Creating Bureau of Criminal Identification in charge of director appointed by State Bd of Prison Directors at \$1800 salary.
'05 ch.399, 20 Mr
- a4** **Cal.** Creating Bureau of Building & Loan Supervision [replacing Bd of Com'rs of Loan Ass'ns created by '93 ch.188]; to consist of 2 com'rs appointed by Gov. for 4 yrs at salary, \$2400 each; annual report to Gov. '05 ch.504, 21 Mr
- a5** **Col.** Creating State Bd of Voting Machine Com'rs to consist of 3 members appointed by Gov. for 5 yrs. 24§ '05 ch.101, 10 Ap
- a6** **Col.** Creating State Bd of Nurse Examiners to consist of 5 members appointed by Gov. for 5 yrs; biennial report to Gov. 8§
'05 ch.136, 11 Ap
- a7** **Ct.** Creating Bd of Exam. & Registration of Nurses, to consist of 5 members appointed by Gov. for 3 yrs. '05 ch.120, 6 Je
- a8** **Ct.** Creating State Bd of Veterinary Registration & Exam., to consist of 5 members appointed by Gov. for 5 yrs. 8§
'05 ch.183, 29 Je
- b** **Ct.** State Forester to be State Forest Fire Warden; appointment of local fire wardens. Amds. G.S.'02 §1218, 1222, 1237. 11§
'05 ch.238, 13 Jl
- b1** **Del.** Creating Division of Public Records to consist of 6 members appointed for 2 yrs by Gov. from patriotic & historical soc.; biennial report to Gov. 5§ '05 ch.77, 16 Mr
- b2** **Del.** Creating Bd of State Supplies to consist of Gov., Sec. of State & State Treasurer. '05 ch.82, 23 Mr
- b3** **Del.** Abolishing State Highway Com'n created by '03 ch.380; appointment by Gov. & Senate of New Castle County State Highway Com'r for 4 yrs at \$1000 salary. 14§ '05 ch.139, 30 Mr
- b4** **Del.** Creating office of Factory & Workshop Inspector to be appointed for 2 yrs by Gov. & Senate at \$1000 salary; to enforce child labor law. 9§ '05 ch.123, 18 Ap
- b5** **Fla.** Amdg. R.S. '92 §801-2, 805, 810: creating State Bd of Medical Examiners to consist of 7 members of regular medical school [replacing bds of examiners for each judicial circuit] appointed by

CONSTITUTIONAL LAW STATE DEPARTMENTS

- Gov.; State Bd of Homeopathic Medical Examiners continued. 4§
'05 ch.55, 15 My
- b6 Fla.** Creating Bd of Drainage Com'rs to consist of Gov., Compt., State Treasurer & Com'r of Agric.; to establish system of canals, drains, reservoirs etc. to reclaim swamp & overflowed lands. 4§
'05 ch.6, 27 My
- b7 Fla.** Creating Bd of Control of State Educational Inst.; Univ. of Fla., Fla. Female College, Colored Normal School Institute for Blind, Deaf & Dumb; to consist of 5 members appointed by Gov. for 4 yrs to act under supervision of State Bd of Education; biennial report to Leg. Amds. R.S.'92 §269-71, 277 & rep. sundry laws. 40§
'05 ch.13, 5 Je
- b8 Fla.** Creating State Bd of Accountancy to consist of 3 members appointed by Gov. for 3 yrs; annual report to Gov. 9§
'05 ch.54, 5 Je
- c1 Fla.** Rep. R.S.'92 §457-67 which provided for appointment & compensation, & defined powers & duties of State Com'rs of Fisheries. 1§
'05 ch.59
- c2 Id.** Creating State Live Stock Sanitary Bd of 7 members to be appointed by Gov. for 2 yrs; provision for appointment of State Veterinary Surgeon, also of district inspectors; annual report of bd to Gov. 39§
'05 p.39, 6 Mr
- c3 Id.** State Horticultural Inspector to be State Bee Inspector; appointment of district inspectors; annual report by former to Gov. 13§
'05 p.170, 6 Mr
- c4 Id.** State Horticultural Inspector to be State Inspector & Sealer of Weights & Measures. '05 p.364, 6 Mr
- c5 Id.** Creating State Bd of Pharmacy to consist of 3 members appointed by Gov. for 3 yrs; annual report to Gov. '05 p.319, 7 Mr
- c6 Id.** State Insurance Com'r to be State Examiner; to enforce uniform system of bookkeeping by state & county officers; annual report to Gov. 20§
'05 p.386, 7 Mr
- c7 Ill.** Creating State Civil Service Com'n to consist of 3 members to be appointed for 6 yrs by Gov. & Senate; salary \$3000 each; annual report to Gov. 37§
'05 p.113, 11 My
- c8 Ill.** Creating State Geological Survey to be connected with University of Ill.; State Geological Com'n consisting of president of univ., Gov. & 1 appointee, to have supervision; appointment of director; annual report to Gov.; \$25,000. '05 p.30, 12 My
- d Ill.** Creating State Highway Com'n to consist of 3 members appointed for 2 yrs by Gov. & Senate: to investigate methods of road building & advise local divisions in relation thereto; annual report to Gov.; \$25,000 annual appropriation. 7§
'05 p.74, 18 My
- d1 Ind.** Creating State Bd of Exam. & Registration of Nurses to consist of 3 members appointed by Gov. for 3 yrs. 10§
'05 ch. 46, 27 F
- d2 Ind.** Creating State Railroad Com'n of 3 members to be appointed by Gov. for 4 yrs at salary of \$4000 each; to regulate freight & passenger rates & service. 25§
'05 ch.53, 28 F

- d3 **Ind.** Creating State Bd of Veterinary Medical Examiners to consist of 4 members appointed by Gov. for 4 yrs; annual report to Gov. & State Veterinary Medical Ass'n. Rep.'03 ch.239. 17§
'05 ch.98, 4 Mr
- d4 **Kan.** Abolishing Bd of Examiners of Barbers created by '03 ch.70.
'05 ch.70, 25 F
- d5 **Kan.** State Architect to be appointed by Gov. [Bd of Public Works] for 2 yrs at \$2500 salary. Rep. G.S.'01 §6701-3. 8§
'05 ch.489, 1 Mr
- d6 **Kan.** Rev. G.S.'01 ch.99 art.1: creating State Bd of Control of State Charitable Inst. to consist of 3 members appointed for 4 yrs by Gov. & Senate; salary \$2500; abolishing Bd of Trustees of State Charities & Corrections; annual report to Gov., biennial, to Leg. 54§
'05 ch.475, 4 Mr
- d7 **Kan.** Rev. G.S.'01 §7421, 7423, 7428-57: creating office of State Live Stock Sanitary Com'r to be appointed by Gov. for 2 yrs at \$2500 salary; abolishing Live Stock Sanitary Com'n; annual report to Gov. 32§
'05 ch.495, 4 Mr
- d8 **Me.** Creating State Bd of Veterinary Examiners to consist of 3 members appointed by Gov. for 3 yrs; annual report to Gov.
'05 ch.17, 22 F
- e **Mass.** Creating Bd of Registration in Embalming to consist of 3 members appointed for 3 yrs by Gov. & Council; annual report to Gov. 10§
'05 ch.473, 26 My
- e1 **Mich.** Creating Mich. Free Employment Bureaus in cities of 50,000; Com'r of Labor to direct & organize same. 3§
'05 ch.37, 30 Mr
- e2 **Mich.** Creating Bd of Accountancy to consist of 3 members appointed by Gov. for 3 yrs; annual report to Gov. '05 ch.92, 4 My
- e3 **Mich.** Creating office of Pathologist of State Asylums for Insane & Associate Professor of Neural Pathology, at State Univ.; to be appointed by joint bd of trustees of state hospitals with bd of regents; to conduct clinical laboratory for research to determine causes & prevention of insanity; \$19,000 for equipment; \$5000 annual appropriation for salaries; annual report of Pathologist to Gov. 9§
'05 ch.140, 25 My
- e4 **Mich.** Creating State Highway Dep't: chief officer to be known as State Highway Com'r to be appointed for 4 yrs by Gov. and Senate at salary, \$2500; appointment of deputy; biennial report to Gov. 17§
'05 ch.146, 1 Je
- e5 **Mich.** Creating State Bd of Equalization to consist of Lieut. Gov., Auditor Gen., Sec. of State, State Treasurer, & Com'r of State Land Office; to equalize assmts. on taxable property every 5 yrs.
'05 ch.248, 16 Je
- e6 **Mich.** Bd of Com'rs, consisting of Com'r of State Banking Dep't, Atty. Gen. & State Treasurer, to pass on securities for savings bank investment. Adds '87 ch.205 §67. 3§
'05 ch.262, 16 Je
- e7 **Mich.** Bd of State Tax Com'rs to constitute State Bd of Assessors for assmt. of property of transportation co. 21§ '05 ch.282, 16 Je
- e8 **Minn.** Creating State Highway Com'n to consist of 3 members appointed by Gov. for 3 yrs; appointment of State Engineer at \$1800; annual report to Gov.; \$6000 annual appropriation. '05 ch.163, 13 Ap

- e9 Minn.** Rev.'99 ch.315: creating State Voting Machine Com'n to consist of Gov. & Atty. Gen. & 1 appointee of each; term 4 yrs; to examine & approve machines used at elections. 9§ '05 ch.267, 18 Ap
- f Minn.** Minn. Soc. for Prevention of Cruelty to be State Bureau of Child & Animal Protection on acceptance of conditions by soc.; Gov., Sup't of Public Instruction & Atty. Gen. to be members of bd of directors; annual report to Sec. of State. 6§ '05 ch.274, 18 Ap
- f1 Minn.** Com'r of Labor to establish free Public Employment Bureau in 1 or more cities of 50,000, & to appoint sup't of each bureau at \$1200 salary, for 2 yrs; \$1750 annual appropriation. 5§ '05 ch.316, 19 Ap
- f2 Mo.** Creating State Bd of Law Examiners to consist of 5 members appointed by Supreme Court. Rep.R.S.'99 §4918-20, 4937. 11§ '05 p.48, 27 F
- f3 Mo.** Creating Veterinary Examining Bd to consist of State Veterinarian & 2 members appointed by Gov. for 2 yrs. 16§ '05 p.209, 23 Mr
- f4 Mo.** Creating office of State Dairy Com'r to be appointed for 2 yrs by Gov. & Senate at salary, \$2000; annual report to Gov. 8§ '05 p.133, 8 Ap
- f5 Mon.** Reorganizing Bureau of Child & Animal Protection [consisted of Mon. Humane Soc.]: Gov. to appoint sec. at \$1200 salary; appointment of deputy & clerk; biennial report by sec. to Gov. 11§ '05 ch.96, 4 Mr
- f6 Neb.** State Bd of Health to serve as State Registrar of Vital Statistics; appointment of local registrars. 9§ '05 ch.98, 16 F
- f7 Neb.** Reorganizing Bd of Dental Examiners to consist of 5 [3] dental secretaries appointed by State Bd of Health on recommendation of 50 *resident practitioners* [Neb. State Dental Soc.] for 5 [3] yrs; annual report by secretaries to State Bd of Health. Rep. C.S.'03 § 4349-62. 23§ '05 ch.96, 28 F
- f8 Neb.** Creating State Bd of Veterinary Medicine, to consist of Gov., Sec. of State, State Auditor & 3 examiners appointed by bd for 3 yrs. 9§ '05 ch.97, 30 Mr
- g Neb.** Abolishing office of State Architect provided for by C.S. '03 §5976-79. 1§ '05 ch.149, 30 Mr
- g1 Neb.** Creating State Bd of Voting Machine Com'rs, to consist of Gov., Sec. of State, & Auditor of Public Accounts; appointment of 3 deputies and custodians to instruct in use of machines. 27§ '05 ch.67, 1 Ap
- g2 Nev.** Creating office of State License & Bullion Tax Agent to be appointed by Gov. for 2 yrs at \$2000 salary; to examine county tax returns & inspect books of mining corp. for taxing purposes. 9§ '05 ch.127, 15 Mr
- g3 Nev.** Creating office of State Veterinarian to be appointed by Gov. at \$1800 salary; biennial report to Leg. 14§ '05 ch.135, 15 Mr
- g4 N. J.** Creating State Bd of Forest Park Reservation Com'rs to consist of State Geologist, Gov. & 3 members appointed for 3 yrs by Gov. & Senate; biennial report to Leg. 12§ '05 ch.47, 22 Mr

- g5 N. J. Creating office of Com'r of Charities & Corrections to be appointed for 3 yrs by Gov. & Senate at \$3000 salary; annual report to Gov. 6§ '05 ch.57, 25 Mr
- g6 N. J. Abolishing State Bd of Taxation created by '03 ch.208; creating State Bd of Equalization of Taxes to consist of counselor at law as president at \$5000 & 4 associates at \$3500 appointed for 5 yrs by Gov. & Senate; annual report to Leg. 12§ '05 ch.67, 29 Mr
- g7 N. M. Creating Insurance Dep't to be in charge of Sup't of Insurance appointed for 2 yrs by Gov. & Leg. Council at salary \$2400; [auditor of public accounts had supervision of insurance]; annual report to Gov. Rep.C.L.'97 §2115, 2117-20, 2122-26, 2128-35, '01 ch. 106. 31§ '05 ch.5, 9 F
§7 amended. '05 ch.70 14 Mr
- g8 N. M. Creating office of Territorial Coal Oil Inspector to be appointed by Gov. & Council for 2 yrs; to inspect petroleum products; appointment of deputies; annual report by Inspector to Gov. '05 ch. 66, 14 Mr
- h N. M. Creating Bd of Osteopathy to consist of 3 members appointed by Gov. for 2 yrs. 9§ '05 ch.68, 14 Mr
- h1 N. M. Creating Bd of Examiners in Optometry: to consist of 3 members appointed by Gov. for 3 yrs; annual report to Gov. 16§ '05 ch.96, 16 Mr
- h2 N. M. Creating office of Territorial Irrigation Engineer to be appointed for 2 yrs by Gov. & Leg. Council at \$2000 salary; Engineer to appoint 6 division com'rs of irrigation together forming Bd of Control of Irrigation; reports of com'rs to Engineer & biennial report of latter to Gov. 42§ '05 ch.102, 16 Mr
- h3 N. Y. Com'n consisting of 5 members to be appointed for 5 yrs by Gov. & Senate to investigate sources & disposition of available water supply; annual report to Leg. 10§ '05 ch.723, 3 Je
- h4 N. Y. Com'n of 3 members to be appointed for 6 yrs by Gov. & Senate at salary, \$8000 each; to regulate gas and electric light rates & supervise lighting corp; annual report to Leg. 22§ '05 ch.737, 3 Je
- h5 N. C. Com'n of 5 to be appointed by Gov. for 4 yrs to have control of portion of battlefield at Appomattox Court House; \$1000 toward erection of memorials. '05 ch.10, 18 Ja
- h6 N. C. Rep.'91 ch.555 which transferred powers & duties of Com'r of Immigration to Com'r of Agric. '05 ch.421, 4 Mr
- h7 N. C. Creating State Geological Bd, to consist of Gov. & 4 members appointed for 4 yrs by Gov. & Senate; to conduct geologic & economic survey; appointment of State Geologist; biennial report by bd to Leg.; \$10,000 annual appropriation. 7§ '05 ch.542, 6 Mr
- h8 N. D. Creating State Bd of Bar Examiners, to consist of 3 members to be appointed by Supreme Court justices for 6 yrs; compensation; reports. 8§ '05 ch.50, 18 F
- i N. D. Creating State Bd of Embalmers to consist of 3 members appointed by Gov. for 4 yrs; annual report to Gov. 9§ '05 ch.111, 28 F

- 11 N. D. Creating Bd of Water Com'rs to consist of State Engineer appointed by Gov. for 4 yrs at \$2500 salary, & of 4 water division com'rs appointed for 6 yrs by Gov. & Senate; provision for appointment of assistant engineer & district water masters; Engineer to have gen. supervision of waters of state; biennial report to Gov.; \$6000 annual appropriation. 64§ '05 ch.34, 1 Mr
- 12 N. D. Creating State Inspector of Weights & Measures to be appointed by Gov. for 2 yrs; compensation. 9§ '05 ch.194, 4 Mr
- 13 N. D. Creating State Banking Bd to consist of Gov., Sec. of State, & Atty. Gen.; State Examiner to be Sup't of Banks; reports. 42§ '05 ch.165, 6 Mr
- 14 N. D. State Historical Soc. to be trustee of state; Gov., Auditor, Sec. of State, Com'r of Agric. & Labor & Sup't of Public Instruction to be directors; biennial publications; \$1500 annual appropriation; replacing State Historical Com'n provided for by R.C.'99 §152-53. 4§ '05 ch.25, 16 Mr
- 15 Okl. Creating Survey Com'n to consist of Gov., Atty. Gen. & sec. of Bd. of Agric. to secure services of U. S. Geological Survey to make topographic survey; \$5000 annual appropriation. 4§ '05 ch.35 art. 1, 11 Mr
- 16 Okl. Creating Bd of Embalming to consist of 3 members appointed by Gov. for 3 yrs. 17§ '05 ch.36 art.1, 13 Mr
- 17 Or. Creating State Library Com'n to consist of Gov., Sup't of Public Instruction, president of State University & librarian of Portland Library Ass'n; to aid in establishing libraries & operating traveling libraries; biennial report to Leg.; \$2000 annual appropriation. 6§ '05 ch.44, 9 F
- 18 Pa. Creating Dep't of Public Printing & Binding to be in charge of Sup't of Public Printing & Binding appointed for 4 yrs by Gov. & Senate at \$3000 salary; annual report to Gov. 42§ '05 ch.1, 7 F
- 19 Pa. Creating Dep't of Health to consist of Com'r of Health to be appointed for 4 yrs by Gov. & Senate at \$10,000 salary together with Advisory Bd of 6 appointed for 4 yrs by Gov. & Senate; division of state into health districts & appointment of officers; annual report of com'r to Gov. '05 ch.218, 27 Ap
- j Pa. State Bd of Health & Vital Statistics to establish Central Bureau of Vital Statistics & appoint State Registrar of Vital Statistics [sec. of Bd of Health & Vital Statistics] for 4 yrs at \$2500 salary; appointment of local registrars for registration districts; reports. '05 ch.221, 1 My
- 11 Pa. Creating Dep't of State Police to be in charge of Sup't of State Police appointed for 4 yrs by Gov. & Senate at \$3000 salary; Sup't to appoint State Police Force consisting of 4 platoons; organization & equipment. 7§ '05 ch.227, 2 My
- 12 Pa. Creating State Water Supply Com'n to consist of Com'r of Health, Com'r of Forestry & 3 members appointed for 4 yrs by Gov. & Senate at salary, \$3000 each; com'n to appoint engineer at \$2500 salary; annual report of com'n to Gov. 9§ '05 ch.236, 4 My

- j3 Pa.** Creating State Armory Bd to consist of Adjutant Gen., Gov. & 5 appointees; annual report to be included in that of Adjutant Gen. 11§ '05 ch.307, 11 **My**
- j4 S. D.** Sec. of State Historical Soc. to be State Librarian. 4§ '05 ch.164, 16 **F**
- j5 S. D.** Creating State Live Stock Com'n to consist of 5 members appointed by Gov. for 5 yrs; State Veterinarian to be executive officer; appointment of deputy veterinarians & county cattle inspectors; creation of fund. '05 ch. 133, 24 **F**
- j6 S. D.** Creating State Farmers Institute Bd to consist of president of Agricultural College & 2 members of State Bd of Regents; \$5000 annual appropriation. '05 ch.110, 3 **Mr**
- j7 S. D.** Creating Bd of Water Com'rs consisting of State Engineer & 3 water division com'rs to have supervision of apportionment of state waters. 61§ '05 ch.132, 3 **Mr**
- j8 S. D.** Entomologist of State Experiment Station to be State Entomologist: to prevent spread of insect pests & plant diseases. '05 ch.131, 6 **Mr**
- k Tenn.** Creating State Bd of Veterinary Medical Examiners to consist of 4 members appointed by Gov. for 4 yrs. '05 ch.76, 2 **F**
- k1 Tenn.** Creating State Bd of Osteopathic Registration & Exam. to consist of 5 members appointed by Gov. for 5 yrs. Rep.'99 ch.394. 7§ '05 ch.255, 11 **Ap**
- k2 Tenn.** Creating Dep't of Game, Fish & Forestry: Gov. to appoint State Warden of Game, Fish & Forestry for 8 yrs; biennial report to Leg. by warden; appointment of county, deputy & special wardens; abolishing offices of game wardens appointed by '03 ch.169. 9§ '05 ch.455, 15 **Ap**
- k3 Tenn.** Creating State Bd of Entomology to consist of Com'r of Agric. & State Entomologist & Plant Pathologist appointed by Com'r with approval of Gov.; annual report by Pathologist to Gov.; \$2000 annual appropriation. '05 ch.466, 17 **Ap**
- k4 U.** Reorganizing State Bd of Sheep Com'rs created by '03 ch.42: to consist of 3 [5] members appointed for 4 [2] yrs by Gov. & Senate, salary \$500 each; abolishing office of State Sheep Inspector; annual report by bd to Gov. Rep.'03 ch.42. '05 ch.26, 1 **Mr**
- k5 U.** Creating State Bd of Park Com'rs to consist of Gov. & 2 members appointed for 4 yrs by Gov. & Senate; act to take effect on granting of certain land to state by Congress; \$2000 annual appropriation. 6§ '05 ch.34, 4 **Mr**
- k6 U.** Creating Armory Bd for National Guard to consist of Gov., Sec. of State, Adjutant Gen. & Brigadier Gen.; \$10,000 annual appropriation. '05 ch.43, 8 **Mr**
- k7 U.** Abolishing Utah Silk Com'n created by '96 ch.92. '05 ch.59, 9 **Mr**
- k8 U.** Creating State Com'n on Voting Machines to consist of Gov., Sec. of State & Atty. Gen.; to examine & approve machines used at elections. 20§ '05 ch.85, 9 **Mr**
- m Vt.** Creating office of Atty. Gen. to be elected for 2 yrs at \$2500 salary; biennial report to Leg. Rep.S. §289. 10§ '04 ch.57, 18 **N**

- m1** Vt. State Fish & Game Com'r [2] to be appointed for 2 [4] yrs by Gov. & Senate at \$1000 salary; annual appointment of county fish & game wardens; to direct management of State Fish Hatcheries, & propagation of fish & game; \$5000 annual appropriation. Rep.'00 ch.128, 129 §1-3. 11§ '04 ch.118, 7 D
- m2** Vt. Creating State Bd of Osteopathic Exam. & Registration to consist of 3 members appointed by Gov. for 3 yrs. 13§ '04 ch.134, 7 D
- m3** Vt. Bd of trustees, consisting of Gov., Lieut. Gov. & State Treasurer to have supervision of investment of permanent school fund; Bd of Com'rs, consisting of Gov., Sup't of Education & State Treasurer to direct distribution of same. 8§ '04 ch.42, 9 D
- m4** Vt. Creating State Bd of Medical Registration to consist of 7 members appointed for 6 yrs by Gov. on nomination of 3 medical soc. of different schools of practice. Rep.S. §4630-40. 15§ '04 ch.133, 9 D
- m5** Wash. Com'n of 3 to be appointed by Gov. as Bd for Promotion of Uniformity of Legislation in U. S.; biennial report to Leg. 4§ '05 ch.59, 3 Mr
- m6** Wash. Creating State Railroad Com'n to consist of 3 members appointed by Gov. for 6 yrs; salary \$4000 each; annual reports to Gov. 27§ '05 ch.81, 7 Mr
- m7** Wash. Creating State Bd of Tax Com'rs to consist of 3 members appointed for 4 yrs by Gov. & Senate; salary \$3000 each; to supervise taxation throughout state & recommend modification of revenue laws; biennial report to Gov. 6§ '05 ch.115, 9 Mr
- m8** Wash. Creating office of State Oil Inspector to be appointed for 4 yrs by Gov. & Senate: salary \$1800; to test quality of petroleum products used for illuminating purposes; appointment of deputies; annual reports to Gov. 10§ '05 ch.161, 11 Mr
- m9** Wash. Creating State Bd of Forest Com'rs to consist of State Land Com'r & 4 appointees of Gov.; term 4 yrs; to supervise forest protection; appointment of State Fire Warden & Forester at \$1500 salary, also of deputy fire wardens and forest rangers. Rep.'03 ch.114. 14§ '05 ch.164, 11 Mr
- n** Wash. Creating office of Public Printer to be appointed by Gov.; compensation. 8§ '05 ch.168, 11 Mr
- n1** Wash. Creating State Highway Bd to consist of State Auditor, State Treasurer and State Highway Com'r; latter appointed by Gov. for 2 yrs at \$2500 salary; to survey & construct certain state roads; appropriation; biennial report by Com'r to Leg. Rep.'05 ch.7 §1-6, 8. 12§ '05 ch.174, 13 Mr
- n2** W. Va. Creating State Armory Com'n to consist of Gov., commanding brigade officer, Assistant Adjutant Gen., and senior National Guard officer in county erecting armory. Adding C. ch.18 §100a. '05 ch.47, 3 F
- n3** W. Va. Creating Capon Springs Com'n to consist of 3 members appointed by Gov. to have management & control of mineral springs property around Capon Springs or Watsontown. Amdg. '73 ch.97. '05 ch.65, 15 F

- n4 W. Va.** Creating State Bureau of Archives & History to be in charge of State Historian & Archivist to be appointed by Gov. for 4 yrs; compensation; annual report to Gov.; State Bd of Public Works to have supervision; appropriation. 5§ '05 ch. 64, 18 F
- n5 W. Va.** Creating Dep't of Mines to be in charge of Chief Mine Inspector to be appointed by Gov. & Senate for 4 yrs; salary, \$1800; appointment of 7 district mine inspectors; annual report by Chief to Gov. Rep. '90 ch.9 §4, '01 ch.106 §1. 5§ '05 ch. 46, 24 F
- n6 Wis.** Creating State Grain & Warehouse Com'n to consist of 3 members appointed by Gov. for 1 yr at \$100 each a mo.; to inspect & grade grain received for milling or storage in elevators or warehouses of city of Superior & to regulate licensing of warehousemen. 56§ '05 ch.19, 20 Mr
- n7 Wis.** Committee, consisting of State Sup't of Public Instruction, Sec. of Wis. Free Library Com'n & Atty. Gen., to award contracts for supplying books to schools under township library law. 7§ '05 ch.243, 24 My
- n8 Wis.** Creating State Bd of Forestry to consist of president of State Univ., director of State Geological Survey, dean of State Agricultural Dep't, Atty. Gen. & 1 appointee of Gov.; replacing bd of State Forest Com'rs created by '93 ch.450; appointment of State Forester at \$2500 by bd; annual report to bd, also by bd to Gov. 24§ '05 ch.264, 25 My
- p Wis.** Creating State Railroad Com'n to consist of 3 members appointed for 6 yrs by Gov. & Senate at \$5000 salary each; abolishing office of State Railroad Com'r. Rep.S.'98 §128, 1793, 1803. '05 ch.362, 13 Je
- p1 Wis.** Creating State Civil Service Com'n to consist of 3 members appointed for 6 yrs by Gov. & Senate; salaries; biennial report to Gov. '05 ch.363, 14 Je
- p2 Wis.** Creating State Tax Com'n to consist of 3 members to be appointed for 8 yrs by Gov. & Senate at \$5000 salary each; abolishing office of State Tax Com'r & 2 assistant tax com'rs; com'n to constitute State Bd of Assmt. for Taxation of Railroad Properties; biennial report to Gov. Rep. by implication '99 ch.206, '01 ch. 237. '05 ch.380, 15 Je
- p3 Wis.** Creating office of Treasury Agent to be appointed by Gov. for 2 yrs; compensation; to collect license fees from transient merchants etc.; appointment of special treasury agents. Rep.S. 98 ch.67, '01 ch.341, '03 ch.393. 25§ '05 ch.490, 20Je
- p4 Wy.** Creating office of Com'r of Public Lands to be appointed for 2 yrs by Gov. & Senate at \$2000 salary; abolishing offices of Register, Chief Clerk & State Land Inspector of State Bds of Land Com'rs; biennial report to Leg. Rep.R.S.'99 §788-91, 938, 952; '03 ch.78 §6-8, 10. 11§ '05 ch.36, 15 F
- p5 Wy.** Creating Bd of State Fair Com'rs to consist of 5 members appointed for 4 yrs by Gov. & Senate; to maintain annual State Fair at Douglas. 14§ '05 ch.48, 18 F

- p6 Wy. Creating office of State Dairy, Food & Oil Com'r to be appointed for 2 yrs by Gov. & Senate, at \$1200 salary; annual report to Gov. 8§ '05 ch.49, 18 F
- p7 Wy. Creating State Bd of Horticulture to consist of professor of botany & zoology of State Univ., Gov. & 4 appointees selected from 4 horticultural districts for 4 yrs; appointment of district inspectors of fruit pests; biennial report to Leg. '05 ch.50, 18 F
- p8 Wy. State Bd of Charities & Reform to constitute State Bd of Pardons; term 4 yrs; sec. of bd to report annually to Gov. 4§ '05 ch.56, 20 F
- q Wy. Provision for establishing Bureau of Mining Statistics by State Geologist; annual report by latter to Gov. 6§ '05 ch.92, 21 F

58 Temporary boards and officers

- The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. See also 59, Special investigations
- a Col. Com'n of 3 to be appointed by Gov. to prepare state exhibit for Lewis & Clark Exposition; \$15,000. 4§ '05 ch.26, 10 Ap
- a1 Col. Designating bd of 3 members to erect monument to Civil War veterans on Capitol grounds; \$15,000. '05 ch.27, 8 Ap
- a2 Ct. Reenacting '93 ch. 3 which established Com'n for Promotion of Uniform Legislation in U.S. 4§ '05 ch.182, 29 Je
- a3 Ct. Temporary examiner of public records to be appointed for 2 yrs by Gov. & Senate at \$2000 salary; to compile certain town records & report to Gov. by May, 1907. 5§ '05 ch.221, 6 Jl
Amended. '05 ch.237, 13 Jl
- a4 Ct. Designating 5 com'rs to erect memorial to sufferers in Andersonville Military Prison; \$6000. 4§ '05 special acts ch.429, 6 Jl
- a5 Ct. Com'n consisting of Adjutant Gen., Gov. & 3 appointees to take charge of lands acquired as addition to Capitol grounds & to grade same, also to secure plans for erection of State Arsenal thereon; report to Leg. of 1907; \$30,000. 7§ '05 special acts ch.431, 13 Jl
- a6 Ct. Com'n of 3 to be appointed by Gov. to report on state exhibit for Jamestown Exposition; \$26,000. 3§ '05 special acts ch.451, 18 Jl
- a7 Ct. Com'n consisting of Atty. Gen., Gov. & 1 appointee to confer with similar Mass. com'n rel. to relocating & marking boundary line between states; \$7000. 3§ '05 special acts ch.469, 18 Jl
- a8 Del. Com'rs named to draw up compact with N. J. com'rs rel. to boundary line in Delaware river & bay. 1§ '05 ch.216, 13 F
- b Del. Designating 3 com'rs to draft with N. J. com'n uniform law for fishing in Delaware river & bay & to mark boundary as fixed by compact; report to Leg. of 1907; \$1500. 3§ '05 ch.6, 23 Mr
- b1 Del. Committee named for erecting monument at Fort Opland near Lewes, 1st colonial settlement; \$500. 1§ '05 ch.17, 30 Mr
- b2 Del. Extending for 2 yrs term of State Bd of Immigration Com'rs appointed by '03 ch.333. 2§ '05 ch.81, 20 Ap

- b3 Fla.** Com'n of 5 members to be appointed by Gov. to prepare state exhibit & building for Jamestown Exposition; report to Leg. of 1907. 5§ '05 ch.71, 29 My
- b4 Fla.** Com'n consisting of Compt., Gov. & 3 appointees to acquire site & erect Gov.'s mansion; \$25,000 conditional appropriation. 5§ '05 ch.101, 29 My
- b5 Fla.** Com'n of 7 to be appointed by Gov. to select site for permanent camp for state militia; report to Leg. of 1907. 3§ '05 ch.96, 5 Je
- b6 Id.** Com'n consisting of Capitol Building Bd & 2 appointees of bd to plan rebuilding of Capitol; expenditure limited to \$350,000. 16§ '05 p.155, 3 Mr
- b7 Id.** State Intermountain Wagon Road Com'n to be appointed, consisting of Gov. & 2 appointees, to aid in developing mining section; \$50,000 loan. 28§ '05 p.206, 8 Mr
- b8 Ill.** Com'n of 7 to be appointed by Gov. to prepare state exhibit for Lewis & Clark Exposition in 1905; \$25,000. 5§ '05 p.23, 17 Mr
- c Ill.** Com'n of 7 to be appointed by Gov. to prepare state exhibit for Jamestown Exposition; \$25,000. 5§ '05 p.21, 18 My
- ci Kan.** Com'n of 3 to be appointed by Gov. to procure site & erect state printing plant; \$32,000. 8§ '05 ch.476, 10F
- ca Mass.** Committee of 3 to be appointed by Gov. & Council to consider erection of memorial to George Frisbie Hoar; report to Leg. of 1906. '05 r.8, 23F
- c3 Mass.** Committee of 7 to consider erection of memorial to Chevalier de St Sauveur; report to Leg. of 1906. '05 r.72, 12 My
- ca Mass.** Com'n to be appointed by Gov. & Council to consider advisability of establishing memorial reservation on Daniel Webster homestead at Marshfield; report to Leg. of 1906. '05 r.96, 24 My
- c5 Mass.** Bd of managers of Louisiana Purchase Exposition to consider state representation at Jamestown Exposition; report to Leg. of 1906; \$1000. '05 r.107, 26 My
- c6 Mich.** Com'n of 3 to be appointed by Gov. to cooperate with U. S. in semicentennial celebration of inauguration of Lake Superior Ship canal; \$15,000. '05 p.536, 3 My
- c7 Minn.** Designating 3 com'rs to locate site of treaty made in 1851 with Sioux Indians by Alexander Ramsey; \$300. 3§ '05 ch.150, 11 Ap
- c8 Minn.** Designating 3 com'rs to design & erect statue of Alexander Ramsey in National Statuary Hall in Washington. 3§ '05 ch.249, 18 Ap
- d Neb.** Bd of 3 com'rs for Lewis & Clark Exposition to be appointed by Gov.; \$12,000. 11§ '05 ch.228, 3 Ap
- di N. J.** Com'n of 11 members to be appointed by Gov. to prepare state exhibit for Jamestown Exposition in 1907; \$25,000. 5§ '05 ch.61, 27 Mr
- da N. J.** Com'n of 3 members to be appointed by Gov. to erect monument on battlefield of Red Bank; report to Gov.; \$15,000. '05 ch. 79, 30 Mr

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- d3 N. Y. Lewis & Clark Exposition Com'n consisting of 7 appointees of Gov. to prepare state exhibit; supplementing '04 ch.729. 4§ '05 ch.715, 3 Je
- d4 N. Y. Com'n of 7 to be appointed by Gov. to report to Leg. of 1906 on preparation & estimated cost of state exhibit for Jamestown Exposition; \$5000. 5§ '05 ch. 721, 3Je
- d5 N. Y. Extending term of Com'n on selection of site of N.Y. State Training School for Boys; report to Leg. of 1906 [1905]. '05 ch.133
- d6 N. C. Com'n of 10 to be appointed by Gov., 1 from each congressional district to prepare state exhibit for Jamestown Exposition; \$30,000. 7§ '05 p.1065, 6 Mr
- d7 N. D. Bd of State Capitol Com'rs to consist of 3 members appointed by Gov. & Senate; compensation; to reconstruct Capitol & erect Gov.'s mansion. 14§ '05 ch.166, 3F
- d8 N. D. Com'n of 3 to be appointed by Gov. for 2 yrs to improve land granted by U. S., embracing White Stone Hills battlefield; biennial report to Gov.; \$100. 8§ '05 ch.48, 13 Mr
- e1 Pa. Com'n for Promotion of Uniformity of Legislation in U. S. appointed by '01 ch.191 continued for 4 yrs. '05 ch.66, 31 Mr
- e2 Pa. Com'n consisting of Bd of Public Grounds & Buildings & 3 legislators appointed by Gov. to arrange for dedication of Capitol; \$50,000. 2§ '05 ch. 306, 11 My
- e3 Pa. Com'n of 23 to prepare state exhibit for Jamestown Exposition; \$100,000. '05 ch.310, 11 My
- e4 Pa. Com'n of 3 to be appointed by Gov. to procure erection of statue of M. S. Quay on Capitol grounds; \$20,000. 4§ '05 ch.319, 11 My
- e5 Pa. Com'n of 3 to be appointed by Gov. to erect equestrian statue of Gen. Anthony Wayne on revolutionary camp grounds at Valley Forge; \$30,000. 2§ '05 ch.323, 11 My
- e6 Pa. Com'n of 3 to be appointed by Gov. to mark positions occupied by state regiments at battle of Antietam; \$10,000. 2§ '05 ch.354, 11 My
- e7 R. I. Com'n of 3 to be appointed by Gov. to report plan for state participation in Jamestown Exposition; report to Leg. of 1906. '05 r.2, 21 Ap
- e8 R. I. Term of Com'n appointed by '03 r.9 to investigate shipping interests of state in Providence harbor & Narragansett bay, to be extended to 1906. '05 r.92, 11 My
- f S. D. Com'n consisting of Gov., Sec. of State, State Auditor & Com'r of School & Public Lands to erect new Capitol at Pierre; report to Gov. by 1907; \$150,000. 4§ '05 ch.163, 2 Mr
- f1 Tenn. Com'n of 3 to be appointed by Gov. to confer with Ga. com'r to settle disputed boundary line. 3§ '05 ch.499, 17 Ap
- f2 Tex. Com'n of 3 to be appointed by Gov. to acquire site on Monument Bluff for mausoleum for Dawson's men & Mier prisoners killed in battle of Salado; \$500. 8§ '05 ch.63, 15 Ap

- f3 Vt. Com'n of 3 members to be appointed for 2 yrs by Gov. to confer with like N. H. com'n as to freeing of toll bridges & erection of new bridges between states; report to Leg. of 1906. 5§
'04 ch.157, 10 D
- f4 Wis. Com'n of 5 named to devise plan for compiling history of Wis. soldiers in Civil War; report to Leg. of 1907. 2§
'05 ch.298, 3 Je
- f5 Wis. Amdg. '03 ch.322: extending to May 1907[1905] term of com'n appointed to erect monument to sufferers in Andersonville military prison. '05 ch.321, 9 Je
- f6 Wis. Com'n of Interstate Park of the Dalles of the St Croix, consisting of 3 members to be appointed by Gov. for 2 yrs; replacing com'n appointed by '01 ch.305; to continue acquisition of property & care of park. 9§
'05 ch.395, 17 Je
- f7 Wis. Com'n of Gov., speaker & 2 appointees to procure for Capitol bronze medallion portrait of A. R. Hall; \$500. '05 ch.481, 20 Je
- f8 Wis. Joint leg. committee of 7 to report to Leg. of 1907 on plans for state participation in Jamestown Exposition. '05 p.992
- g Wy. Com'n consisting of Gov. & 5 appointees to prepare state exhibit for Lewis & Clark Exposition; \$10,000. 11§ '05 ch.44, 15 F

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Special investigations

The entries under this head are duplicated under the special subject to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Cal. Joint leg. committee of 4 to examine & report on state system of revenue & taxation. '05 p.1067, 10 Mr
- a1 Cal. Joint leg. com'n of 6 to investigate & report on cattle industry as affected by national forest reserves. '05 p.1074, 10 Mr
- a2 Col. Com'n of 4 to be appointed from 4 counties through which Rio Grande flows, to locate irrigation reservoir sites along river; report to U. S.; \$1500. 2§
'05 ch.130, 7 Ap
- a3 Ct. Joint leg. committee of 3 to investigate compensation of state officers & employees in Capitol; report to present Leg. 4§
'05 special acts ch.135, 19 Ap
- a4 Ct. Com'n to be appointed by Gov. consisting of 1 representative from each city & 5 at large, to draft law for uniform system of mun. charters; report to Leg. of 1907. 2§ '05 special acts ch. 399, 6 Jl
- a5 Ct. Extending to Sep. 1906, term of Com'n on Lobsters & Shell Fisheries appointed by '03 special acts. ch. 372. 4§
'05 special acts ch.418, 6 Jl
- a6 Ct. Committee of 3 to be appointed by Gov. to investigate methods of treatment of epileptics; report to Leg. of 1907; \$300. 3§
'05 special acts ch.450, 18 Jl
- a7 Ct. Com'n of 5 to be selected by Gov. & presiding officer of Senate & House, to investigate laws rel. to primaries & corrupt practices at elections; report to Leg. of 1907. 2§ '05 special acts ch.490, 19 Jl
- a8 Del. Joint leg. committee of 5 to audit accounts of certain state officers, also of clerks of Senate & House of Representatives; \$1000. 6§
'05 ch.58, 16 Mr

CONSTITUTIONAL LAW STATE DEPARTMENTS

- b Fla. Bd of Comr's, consisting of Gov., Atty. Gen. & Treasurer to examine Indian War claims; report to Leg. of 1907. 3§
'05 ch.80, 5 Je
- b1 Fla. Com'n of 6 consisting of Compt., State Health Officer, Gov. & 3 appointees to consider relocation of State Hospital for Insane & improved methods of treatment; report to Leg. of 1907. 3§
'05 ch.83, 5 Je
- b2 Ga. Joint leg. committee of 8 to consider purchase of land at Tallulah falls for public park; report to Leg. of 1906.
'05 p.1255, 22 Ag
- b3 Ga. Committee consisting of sec. of State Bd of Health & 2 appointees of Gov. nominated by Medical Ass'n of Ga. to consider erection of state sanatorium for consumptives; report to Leg. of 1906.
'05 p.1255, 22 Ag
- b4 Ga. Joint leg. committee of 8 to consider revision of tax laws; report to Leg. of 1906.
'05 p. 1259, 22 Ag
- b5 Ga. Extending term of Com'n on Registration of Land Titles, appointed by '03 p.689; to report to Leg. of 1906.
'05 p.1256, 23 Ag
- b6 Ga. Joint leg. committees of House & Senate to examine convict camps; report to Leg. of 1906.
'05 p.1257, 23 Ag
- b7 Ill. Com'n of 5 to be appointed by Gov. to consider plan for industrial insurance & workingmen's old age pensions; report to Leg. of 1907.
'05 p.401, 4 My
- b8 Ill. Internal Improvement Com'n consisting of 3 persons to be appointed for 2 yrs by Gov.; to investigate projection of deep waterway from Lake Michigan to Gulf of Mexico; report to Leg. by 1907; \$7000.
'05 p.40, 16 My
- c Ind. Com'n of 5 to be appointed by Gov. to investigate need for tuberculosis hospital; report to Leg. of 1907.
'05 ch.172, 6 Mr
- c1 Kan. Joint leg. committee of 5 to draft with Mo. committee stock yard bill to be passed by both states.
'05 ch.532, 25 Ja
- c2 Kan. Com'n to be appointed to investigate cause of coal mine explosions in southeastern Kan.; report to present Leg.
'05 ch.534, 18 F
- c3 Kan. Bd of Railroad Com'r's to investigate rates in Kan., Mo., Ill., Ia., Neb. & Tex.; report to Gov. within 6 mo.
'05 ch. 540, 3 Mr
- c4 Kan. Continuing State Geological Survey, appointed by '03 ch. 60 till 1907 [1905]. 6§
'05 ch.33, 8 Mr
- c5 Me. Bridge com'n of 3 members to be appointed by Gov. for 2 yrs; to confer with like N. H. com'n as to freeing interstate toll bridges & locating new sites; report to Leg. of 1907. 5§
'05 ch.128, 21 Mr
- c6 Mass. Committee consisting of State Tax Com'r, Harbor & Land Com'r's, State Forester, Gov. & appointees, to investigate taxation of forest lands; report to Leg. of 1906; \$500.
'05 r.60, 28 Ap
- c7 Mass. Com'r's of Fisheries & Game to make biologic investigation rel. to oyster culture in state waters; \$500 annual appropriation for 3 yrs.
'05 r.73, 12 My

- c8 **Mass.** Com'rs on Fisheries & Game to make biologic investigation rel. to propagation of clams; \$500 annual appropriation for 3 yrs. '05 r.93, 24 My
- d **Mass.** Com'n of 9 to be appointed by Gov. & Council to consider need for technical education in various industries; report to Leg. of 1906; \$15,000. '05 r.94, 24 My
- d1 **Mass.** Bd of Gas & Electric Light Com'rs & 2 appointees of Gov. to investigate subject of sliding scale for gas rates & based on rate of dividends to stockholders; report to Leg. of 1906. '05 r.101, 25 My
- d2 **Minn.** Designating 3 com'rs to consider advisability of establishing state hospital for indigent, crippled & deformed children in Ramsey county on donation of site; report to Leg. of 1907. 6§ '05 ch.78, 25 Mr
- d3 **Minn.** Designating 3 com'rs to consider advisability of establishing state hospital for indigent, crippled & deformed children in Hennepin county on donation of site; report to Leg. of 1907. 6§ '05 ch.203, 15 Ap
- d4 **Minn.** Designating com'r to edit & annotate R.L., 1905; \$5000. 6§ '05 ch.218, 17 Ap
- d5 **Mon.** Com'n of 7 to be appointed by Gov. to publish by 1906 revised irrigation code; \$500. '05 ch.90, 4 Mr
- d6 **N. H.** Bridge com'ns of 3 members each to be appointed by Gov. for 2 yrs; to confer with like Me. & Vt. com'ns as to freeing of interstate toll bridges & locating of new sites; report to Leg. of 1907. 6§ '05 ch.119, 10 Mr
- d7 **N. J.** Com'n designated to draft with Del. com'n compact to settle boundary controversies. '05 p.563, 14 F
- d8 **N. J.** Com'n consisting of 3 members to be appointed by Gov. to revise corp. laws; compensation; report to present Leg. or Leg. of 1906. 4§ '05 ch.30, 14 Mr
- e **N. J.** Com'n to be appointed to investigate turnpikes with view to converting them into free public roads; report to Gov. by Nov. 1905. 3§ '05 p.564, 14 Mr
- e1 **N. J.** Com'n of 5 to be appointed by Gov. to investigate method of improving judicial system & procedure; report to Leg. of 1906. 3§ '05 ch.88, 31 Mr
- e2 **N. J.** Com'n of 3 to be appointed by Gov. to codify & revise law of master & servant; report to Leg. of 1906. 1§ '05 ch.94, 3 Ap
- e3 **N. J.** Com'n of 6 to be appointed by Gov. to consider revision of poor laws; report to Leg. of 1906. 2§ '05 p.565, 3 Ap
- e4 **N. J.** Designating 3 com'rs to draft with Del. com'n uniform law for fishing in Delaware river & bay & to mark boundary as fixed by compact; \$2000. 3§ '05 ch.239, 11 My
- e5 **N. J.** Com'n of 5 to be appointed by Gov. to investigate granting & taxation of public franchises; report to Leg. of 1906. 3§ '05 ch.261, 3 Je
- e6 **N. Y.** Com'n of 15 to be appointed by Gov. to investigate probation system in the several states; report to Leg. of 1906; \$5000. '05 ch.714, 3 Je

- e7 N. Y. Com'n of 5 to be appointed to inquire as to best method of reconstructing & modernizing state prison buildings; report to Leg. of 1906; \$3000. 3§ '05 ch.718, 3 Je
- e8 Or. Com'n of 3 to be appointed by Gov., Sec. of State & State Treasurer to investigate method of assmt. & collection of taxes & to prepare tax code; report to Leg. of 1907. 16§ '05 ch. 90, 18 F
- f Pa. Com'n of 3 representatives appointed by speaker, 2 senators by president & Com'r of Fisheries to draft with N. J. com'n concurrent fishery laws governing Delaware river; \$2000. '05 ch.8, 1 Mr
- f1 Pa. Com'n of 3 to be appointed by Gov. to codify laws rel. to divorce, & to cooperate with other states to secure uniformity of divorce legislation in U. S. 3§ '05 ch.24, 16 Mr
- f2 Pa. Joint leg. committee consisting of president of Senate & 2 appointees, speaker of House & 3 appointees, & Auditor Gen. to investigate capacity & conditions of insts. for defectives receiving state aid. '05 ch.146, 18 Ap
- f3 R. I. Designating members of Metropolitan Park Com'n; term 1 yr; to consider advisability of system of public parks for Providence & vicinity; report to Leg. of 1905; \$1000. 2§ '04 ch.1204, 16 N
- f4 R. I. Joint leg. committee of 5 appointed by Gov. & speaker to consider feasibility of erecting state school for feeble-minded children; report to Leg.; \$500. '05 r.93, 11 Ja; '05 r.94, 12 Ap
- f5 R. I. Joint leg. committee of 7 to consider modifications of gen. election laws; report to present Leg. '05 r.91, 13 Ja
- f6 R. I. Extending term of Metropolitan Park Com'n appointed in 1904; scope of jurisdiction; \$1000 additional appropriation. 3§ '05 ch.1238, 9 My
- f7 S. C. Joint leg. com'n of 5 to investigate terrapin & shellfish culture & sale; report to Leg. of 1906; \$800. 4§ '05, ch.569, 7 Mr
- f8 Tenn. Joint leg. committee of 9 to investigate excessive charges claimed to have been made by Cumberland Telephone & Telegraph Co.; report to Leg. by Mar. 1905. '05 p.1318, 27Ja
- g U. Com'n of 9 to be appointed by Gov. to consider advisability of consolidating University of U. & Agricultural College of U.; report to Leg. of 1906; \$1000. 5§ '05 ch.104, 9 Mr
- g1 Vt. Tuberculosis Com'n of 5 members to be appointed for 2 yrs by Gov. to continue work of com'n appointed by '02 ch.116; to educate people as to cause & prevention of tuberculosis; report to Leg. of 1906; \$4000. '04 ch.142, 30 N
- g2 Vt. Com'n of 6 to be appointed by Gov. to investigate subject of school endowment, investment & distribution rel. to creation of permanent school fund. 8§ '04 ch.42, 9 D
- g3 Vt. Com'n of 3 to be appointed by Gov. to confer with like com'ns from N. Y. & Quebec in adoption of uniform fish protection in Lake Champlain. '04 ch.358, 9 D
- g4 Wis. State Forestry Com'n to make survey & exam. of streams on forest reserves as to available water power; report. 1§ '05 ch. 95, 20 Ap

- g5 Wis. Extending 2 yrs term of Com'n on State Parks appointed by '03 ch.232: to report to Gov. by Mar. 1 1906 [1904] as to establishment of state parks at *Dells of Wis.* 2§ '05 ch.169, 4 My
- g6 Wis. Com'n of 3 to be appointed by Gov. to confer with Canadian Minister of Fisheries & com'ns of other border states rel. to uniform fishing laws in international waters. 3§ '05 ch.393, 17 Je
- g7 Wis. Geological & Natural History Survey with U. S. Geological Survey to ascertain amount of water power of state; report; \$2500. 1§ '05 ch.475, 20 Je
- g8 Wis. Bd of Control to investigate binder twine plants in prisons of other states; report to Leg. of 1907. '05 p.989
- h Wy. Com'n of 3 to be appointed by Gov. to codify laws rel. to water rights; report to Leg. in 1907; \$300. 3§ '05 ch.32, 15 F

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State institutions

See also 335, Corrections; 2140 Charities; 2220, Education.

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Establishment. Reorganization. Change of name

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Cal. Establishing State Hygienic Laboratory for bacteriological & chemical analysis at State Univ.: appointment of director from faculty; management by State Bd of Health. 5§ '05 ch.223, 18 Mr
- a1 Cal. Establishing Folsom State Hospital for Criminal Insane: bd of managers to consist of 5 members of State Com'n in Lunacy; \$40,000. 12§ '05 ch.257, 18 Mr
- a2 Cal. Changing name of Deaf, Dumb & Blind Asylum at Berkeley to Cal. Inst. for Deaf & Blind. Adds P. C. §2236; amds. §2237. 2§ '05 ch.382, 20 Mr
- a3 Cal. Transfer of property & management of Veterans Home of Cal. in Napa county to U. S. for National Soldiers Home. 5§ '05 ch.387, 20 Mr
- a4 Col. Establishing State Fish Hatcheries at Del Norte on Rio Grande, Glenwood Springs, also in Grand county; appropriations. '05 ch.104, 25 Mr; 05 ch.105, 10 Ap; '05 ch.106, 10 Ap
- a5 Ct. Provision for establishing Bacteriological Laboratory by State Bd of Health for diagnosis of infectious diseases; \$3000 annual appropriation. 2§ '05 ch.162, 21 Je
- a6 Fla. Abolishing the following state educational insts.: Univ. of Fla. at Lake City, Fla. State College at Tallahassee, White Normal School at De Funiak Springs, East Fla. Seminary at Gainesville & Fla. Agricultural Institute in Osceola county; reestablishing Univ. of Fla. & Fla. Female College; location of sites; reorganizing Colored Normal School & Institute for Blind, Deaf & Dumb; abolishing the several bds of trustees including also those of Colored Normal School & Institute for Blind, Deaf & Dumb; control of property vested in State Bd of Education, management in State Bd of Control; biennial reports of state bds, Treasurer & Compt. to Leg. Amds. R.S.'92 §269-71, 277 & rep. sundry laws. 40§ '05 ch.13, 5 Je

CONSTITUTIONAL LAW STATE DEPARTMENTS

- a7 **Ga.** Establishing Ga. State Reformatory in Baldwin county for detention & punishment of convicts under 16: State Prison Com'n to locate site, erect buildings & control management; \$10,000. 26§ '05 p.127, 23 Ag
- a8 **Id.** Establishing Northern Id. Insane Asylum: bd of 3 directors to be appointed by Gov. & Senate; com'n appointed to locate site & award contracts; \$30,000 loan. 18§ '05 p.196, 7 Mr
- b **Id.** Changing name of Id. Industrial Reform School to Id. Industrial Training School. 2§ '05 p.227, 10 Mr
- b1 **Ill.** Amdg. '75 p.104 §1: changing name of Ill. Inst. for Education of Deaf & Dumb to Ill. School for Deaf. 1§ '05 p.87, 13 My
- b2 **Ill.** Amdg. '75 p.104 §1: changing name of Ill. Inst. for Education of Blind to Ill. School for Blind. 1§ '05 p.87, 13 My
- b3 **Ind.** Establishing Southeastern Hospital for Insane: com'n of 4 to be appointed by Gov. to locate site & supervise construction; managing bd of 3 trustees to be appointed by Gov.; \$560,000. 11§ '05 ch.29, 21 F
- b4 **Ind.** Establishing State Laboratory of Hygiene at Indianapolis as dep't of State Bd of Health, for analysis of adulterated foods & drugs; bd to appoint sup't of laboratory, at \$2000, also State Chemist at \$1500 salary; annual report of laboratory to Gov.; \$5000 for equipment; \$10,000 annual appropriation. 6§ '05 ch.38, 25 F
- b5 **Ind.** Establishing State Village for Epileptics; appointment by Gov. of com'n of 3 to locate site; bd of 3 trustees appointed by Gov. to supervise construction & control management; \$150,000. '05 ch.159, 6 Mr
- b6 **Kan.** Establishing Branch Penitentiary & Oil Refinery at Peru; \$210,000. 9§ '05 ch.478, 17 F
- b7 **Mass.** Changing name of Mass. Hospital for Dipsomaniacs & Inebriates to Foxborough State Hospital. 1§ '05 ch.400, 12 My
- b8 **Mass.** Provision for establishing hospital for leprosy by State Bd of Charity on approval of Gov.; appropriation not to exceed \$50,000. 2§ '05 ch.474, 26 My
- c **Mich.** Establishing State Sanatorium for Tuberculosis; bd of 6 trustees to be appointed for 6 yrs by Gov. & Senate; to locate site & control management; annual report to Gov.; \$20,000. '05 ch.254, 16 Je
- c1 **Minn.** Establishing School of Agric. at Crookston as branch of State Univ. '05 ch.132, 11 Ap
- c2 **Mo.** Establishing Fourth District Normal School in southwest Mo.; appointment of 5 com'rs by Gov. to locate site, also of bd of regents consisting of 6 appointees of Gov. & State Sup't of Public Schools. 8§ '05 p.297, 17 Mr
- c3 **Mo.** Establishing Fifth District Normal School in northwest Mo.; appointment of 5 com'rs by Gov. to locate site, also of bd of regents consisting of 6 appointees of Gov. & State Sup't of Public Schools. 8§ '05 p.299, 25 Mr
- c4 **Mo.** Establishing State Sanatorium for treatment of incipient pulmonary tuberculosis; appointment by Gov. of 5 com'rs to locate

- site and erect buildings; managing bd of 5 members to be appointed by Gov. & Senate; \$50,000. 25§ '05 p.292, 15 Ap
- c5 Neb.** Establishing State Hospital for Crippled, Ruptured and Deformed Children, to be located at Lincoln in Home for Friendless; management to be in Bd of Public Lands & Buildings; organization; biennial report by bd to Gov.; appropriation. 8§ '05 ch.80, 3 Ap
- c6 Nev.** Establishing Agricultural Experiment Farm; com'n to locate site in semitropical southeastern Nev.; supervision by bd of control of Nev. Agric. Experiment Ass'n. '05 ch. 39, 2 Mr
- c7 N. H.** Establishing N. H. State Sanatorium for Tuberculosis: bd of 5 trustees to be appointed by Gov. & Council; to locate site, erect building, & control management of inst.; annual report to Gov. & Council; \$50,000; void if suitable inst. provided prior to May 1, 1907. 13§ '05 ch.92, 10 Mr
- c8 N. Y.** Amdg. '95 ch.38 §1: changing name of Thomas Asylum for Orphan & Destitute Indian Children to Thomas Indian School. 1§ '05 ch.67, 17 Mr
- d N. C.** Establishing State Laboratory of Hygiene for exam. of water supplies & germ diseases, under management of State Bd of Health; \$60 annual tax on water co. for maintenance; \$1200. Rep.'03 ch.159 §17. 4§ '05 ch.415, 4 Mr
- d1 N. D.** Establishing Agricultural Experiment Station near Dickinson on donation of site; State Agricultural College to have supervision; \$10,000. 3§ '05 ch.21, 2 Mr
- d2 Okl.** Establishing Okl. Hospital for Insane at Fort Supply Military Reservation; bd of trustees to consist of Gov. & 2 members appointed by Gov. & Council; biennial report to Leg. 26§ '05 ch.20 art.11, 1 Mr
- d3 Pa.** Establishing State Hospital for Criminal Insane: com'n consisting of president of Senate & 1 appointee, speaker & 1 appointee, & 2 appointees of Gov. to select site & erect building; appointment of bd of 9 trustees for 3 yrs by Gov. & Senate; \$10,000 for site, \$150,000 toward construction; quarterly report to Auditor Gen. & Bd of Public Charities. 13§ '05 ch.247, 11 My
- d4 Pa.** Establishing Thaddeus Stevens Industrial & Reform School for indigent orphans at Lancaster; com'n of 5 to be appointed by Gov. to locate site & erect buildings; bd of trustees to consist of 9 appointees of Gov. & Senate & Sup't of Public Instruction; annual report by sup't; \$50,000. 11§ '05 ch.429, 11 My
- d5 R. I.** Bd of 5 trustees to be appointed by Gov. & Senate for State Sanatorium for Consumptives at Burrillville; annual report to Leg. 11§ '05 ch.1247, 11 My
- d6 S. D.** Establishing Northeastern Hospital for Insane at Watertown: State Bd of Charities & Corrections to control management. '05 ch.138, 2 Mr; '05 ch.139, 8 Mr
- d7 U.** Establishing Central Utah Experiment Station as branch of Agricultural College Experiment Station; Southern U. Experiment Farm placed under supervision of Experiment Station. [State Bd of Horticulture] Rep.'99 ch.85. 10§ '05 ch.132, 18Mr

CONSTITUTIONAL LAW STATE DEPARTMENTS

- d8 **Wash.** Establishing State Inst. for Feeble-minded near Medical Lake; State Bd of Control to erect building & direct management; abolishing dep't for feeble-minded at State School for Defective Youth; \$62,500. 11§ '05 ch.70, 6 Mr
- e **Wash.** State Fish Com'r to establish State Fish Hatchery on Humptulips river, on Chimacum creek, also on Skagit river if suitable for culture. '05 ch.74, 6 Mr; '05 ch.96, 9 Mr; '05 ch.97, 9 Mr
- e1 **Wis.** Bd of Regents of Normal Schools to purchase site for State Normal School at La Crosse & prepare plans for building & equipment; report to Leg. of 1907; \$10,000. 2§ '05 ch.121, 26 Ap
- e2 **Wis.** Establishing Wis. State Tuberculosis Sanatorium: advisory bd of 5 members to be appointed by Gov. for 5 yrs; to locate site & direct management; supervision of finances by State Bd of Control & advisory bd; \$90,000. '05 ch.361, 13 Je
- e3 **Wis.** Establishing Bass Hatchery in southeastern Wis. at \$10,000; also Trout Hatchery in western Wis. at \$5000. '05 ch.484, 20 Je

63 Supervision and administration

- a **Kan.** Rev. G.S. '01 ch.99 art.1 rel. to charities & corrections. 54§ '05 ch. 475, 4 Mr
- b **Minn.** Sup't of state inst. may use property of deceased inmate unclaimed for 5 yrs for gen. benefit & entertainment of inmates; refund by state if heirs appear. 1§ '05 ch.199, 15 Ap
- c **N. J.** Creating office of Com'r of Charities & Corrections; to inspect insts. receiving state aid, to report on state wards in private insts.; to supervise plans for state buildings; power of appointment of State Architect; executive officers of the various insts. to form advisory bd to Com'r; annual report to Gov. '05 ch.57, 25 Mr
- d **N. M.** Territorial educational & charitable insts. may expend money derived from sale or lease of land in permanent improvements. 2§ '05 ch.72, 14 Mr
- e **Wash.** State Bd of Control to manage transportation of convict, insane person or incorrigible to state inst. 3§ '05 ch.121, 9 Mr
- f **Wis.** Amdg. S.'98 §561a; 1 member of Bd of Control to be a woman. 1§ '05 ch.381, 17 Je
- g **Wis.** Amdg. S.'98 §4951 as to religious instruction in reform schools, prisons, *parental & industrial schools & homes for dependent children.* 1§ '05 ch.396, 17 Je

64 Examination and inspection

- a **N. C.** Amdg. C. §3320: Gov. may personally inspect state insts. 2§ '05 ch.446, 4 Mr
- b **Vt.** "An act providing for an investigation of certain state insts." 5§ '04 ch.163, 10 D

65 Officers

- a **Kan.** Qualifications & tenure of office of employees in state insts. 3§ '05 ch.487, 25 F
- b **Or.** Compensation of officers & employees of certain state insts. to be paid monthly. 5§ '05 ch.99, 18 F

67 **Public documents. Printing**

- a Ct. Amdg. G.S.'02 §125 rel. to binding public document set. 1§
'05 ch.25, 2 My
 - b Ill. State printing need not be done at capital unless so ordered
by Com'rs of State Contracts. 2§ '05 p.393, 16 My
 - c Ind. Amdg. '85 ch.86 §1: Supreme Court reporter ex officio
member of State Printing Bd; contract for printing to be performed
according to terms. 1§ '05 ch.81, 3 Mr
 - d Me. Amdg. R.S.'03 ch.3 §26: state printing orders *subject to*
approval of Gov. & Council. 1§ '05 ch.52, 15 Mr
 - e Me. Amdg. R.S.'03 ch.3 §24, 25 rel. to number & distribution of
reports. 2§ '05 ch.138, 22 Mr
 - f Me. Gov. & Council to contract for printing. Rep. R.S.'03 ch.3
§27-30 rel. to election & duties of State Printer. 3§
'05 ch.155, 24 Mr
 - g Mass. Publication of bulletin of committee hearings.
'05 r.2, 23 Ja
 - h N. H. Adding §8 to '01 ch.84: Public Printing Com'n may
decrease size of edition of any state publication; clerical assistance to
com'n. 2§ '05 ch.63, 9 Mr
 - i N. Y. Amdg. state printing law '01 ch.507 §15: 2 inspectors to
examine qualifications of bidders for state printing. 1§
'05 ch. 760, 3 Je
 - j Pa. Public printing. 42§ '05 ch.1, 7 F
 - k Pa. Publication & distribution of public documents. 3§
'05 ch.130, 17 Ap
 - m Wash. Public printing & binding. 8§ '05 ch.168, 11 Mr
 - n Wis. Amdg. S.'98 §335c-d rel. to printing & binding of certain
official reports. 2§ '05 ch.65, 22 Ap
 - p Wis. Amdg. S.'98 §316 as to printing for Leg.: form of bills;
Sec. of State to prepare annual leg. compilation. Adds §317. 3§
'05 ch.480, 20 Je
- 68 **State printing boards and officers**
- a Cal. Amdg. Pen.C. §100 rel. to collusion & corruption by Sup't
of State Printing. 1§ '05 ch.483, 21 Mr
 - b Ct. Bd of Control to supervise publication of state reports. 4§
'05 ch.60, 12 My
 - c Ill. Amdg. R.S.'74 ch.127 §17, 20-21 as to salary of State Printer &
proofreaders. 3§ '05 p.391, 16 My
 - d Kan. Submitting amdt. to Const. 1859 art.15 §4: State Printer
to be elected in Nov. 1906 & every 2 yrs thereafter [appointed by
Leg. in joint session]. Vote Nov. 1906. 2§ '05 ch.545, 19 F
 - e Kan. Sec. of State, Atty. Gen. & State Printer to be State Printing
Com'n; term, salary & duties of State Printer. Rep.G.S.'01 §6731-47.
19§ '05 ch.477, 3 Mr
 - f Kan. Term of State Printer 2 yrs. to begin July 1, 1905. 5§
'05 ch.484, 16 Ja

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Distribution

See also 2354, State libraries

- a **Id.** Pamphlet edition of laws & Const. to be sold at 10c-20c a hundred folios; proceeds to be turned into state treasury quarterly. 3§ '05 p.231, 9 Mr
- b **Neb.** State Printing Bd to distribute reports. 3§ '05 ch.103, 4 Ap
- c **Pa.** *State Librarian* [Sec. of Commonwealth] to have custody of public documents for sale & distribution; exceptions. 1§ '05 ch.174, 20 Ap
- d **Vt.** Certain state publications to be distributed to normal & high schools & academies. '04 ch.50, 9 D
- e **Vt.** Amdg. S. §5448: state reports to be distributed to *town clerks* of organized town and elsewhere *at state expense*. Rep. §5449. 2§ '04 ch.177, 9 D
- f **Wis.** Amdg. S.'98 §351,357: distribution of state documents, court reports & statutes to *Library of College & of Law & State Univ.* 4§ '05 ch.249, 25 My

72

Manuals. Blue books

- a **Mo.** Amdg. R.S.'99 §4175 rel. to publication & distribution of "Mo. Manual." 1§ '05 p.209, 11 Ap
- b **Tex.** 300 copies of leg. manual to be printed. 1§ '05 p.400, 25 Ja
- c **Vt.** Amdg. '02 ch.164 §1: manual known as Vt. Justice & Public Officer to be ready by *Jan. 1, 1906* [Jan. 1, 1904]. 1§ '04 ch.159, 4 N

74

Public printing establishment

- a **Kan.** Com'n to be appointed to erect state printing plant; \$32,000. 8§ '05 ch.476, 10 F

77

Legislature

See also 2, Statutes; 2455, Council municipal

- a **Cal.** Submitting amdt. to Const. 1879 art.4 §23; salary of member of Leg. \$1000 a session [\$8 a day]; Leg. may employ attendants to amount of \$500 a day. Vote Nov. 1906. 2§ '05 p.1075, 10 Mr
- b **Wis.** Leg. employees; compensation; distribution of bills. Rep. '01 ch.3, 438, '03 ch.4, '05 ch.4; adds S.'98 §111A. 3§ '05 ch.515, 21 Je

79

Election. Number. Apportionment. Vacancies

See also 147, Minority representation

- a **R. I.** Rev.'01 ch.828 rel. to election of senators & representatives. 13§ '05 ch.1230, 26 Ap

80 Apportionment: general laws

- a **Id.** Reapportioning state into senatorial & representative districts. 2§ '05 p.430, 7 Mr
- b **Ind.** Apportionment of senators & representatives. 3§ '05 ch.67, 2 Mr

- c **Mich.** Reapportioning representative districts. 1§
'05 ch.244, 16 Je
- d **Mich.** Reapportioning senatorial districts. 2§ '05 ch.245, 16 Je
- e **Nev.** Reapportioning senators & assemblymen. 2§
'05 ch.141, 23 Mr
- f **R. I.** Amdg. Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Leg. to [may] reapportion representation after every United States [or state] census, and divide each city and town into representative districts; no town or city to have more than $\frac{1}{4}$ [$\frac{1}{8}$] of whole number of members. Rejected Nov. 1905. '04 r.1, 13 Ap; '05 ch.1212, 14 F
- 81 **Resignation. Vacancies**
 - a **N. J.** Advertisement of writ of election to fill vacancy in Leg.; certification of nomination; election; returns. Supplements '98 ch. 139. 2§ '05 ch.2, 25 Ja
- 83 **United States representatives**
 - a **Kan.** Dividing state into 8 congressional districts. Rep.'83 ch.1, '97 ch.90. 10§ '05 ch.152, 9 Mr
- 84 **United States senators**
 - a **Kan.** Requesting Cong. to call const. convention to provide for election of senators by direct vote. '05 ch.531, 24 Ja
 - b **Mo.** Requesting Cong. to call const. convention to provide for election of senators by direct vote. '05 p.308
 - c **Mon.** Requesting Cong. to call const. convention to consider election of U. S. senators by direct vote. '05 p.355, 31 Ja
 - d **Nev.** Requesting Cong. to call const. convention to consider election of senators by popular vote. '05 p.272, 25 F
 - e **Tenn.** Requesting Cong. to call convention to submit const. amdt. providing for election of U. S. senators by direct vote. '05 p.1321, 22 Mr
- 88 **Special laws**
See also 110, Legislative procedure
 - a **Kan.** Submitting amdt. to Const. 1859 art.2 §17: courts to determine whether law is repugnant to const. provision against special laws. Vote Nov. 1906. 2§ '05 ch.543, 20 Ja
- 90 **Members of Legislature**
 - a **Ct.** Referring to Leg. of 1905 const. amendment: Gov. or Leg. may not appoint during session any member to remunerative office, U. S. senator & notary public excepted. Not repassed in 1905. '03 p.207, 20 My
 - b **Ga.** When member of Leg. is in attendance at session, case in which he is atty. or party to be continued; to be excused as juror or witness; depositions. '05 p.93, 23 Ag
 - c **Tex.** Submitting amdt. to Const. '76 art.3 §24: salary of legislator. Vote Nov. 1906. '05, p.412, 15 Ap

95 Internal organization

- a Vt. Appointing com'n to revise rules of Leg. '04 ch.355, 10D

96 Bribery. Illegal practices

See also 250, Crimes against the government

- a Minn. Amdg. G.S.'94 §6343 as to penalty for bribery of member elect of Leg. 1§ '05 ch.31, 9 Mr
b Minn. Amdg. G.S.'94 §6344 as to penalty for seeking or accepting bribe by member elect of Leg. 1§ '05 ch.32, 9 Mr

98 Joint session

- a Cal. Senate & Assembly committees on rules to meet & prepare rules for matters requiring joint action. 1§ '05 p.831, 31 Ja
b Wy. President of Senate to preside over joint sessions of Leg. 1§ '05 ch.71, 21 F

99 Lobbying

- a Wis. Msdr. to attempt as leg. counsel or agent to influence legislators except by appearance before committees. 3§ '05 ch.472, 20 Je

100 Officers and employees

- a Col. Qualifications of employees of Leg. 3§ '05 ch.109, 10 Ap
b Mass. Amdg. R.L. ch.10 §6, 10: Sergeant-at-arms to appoint 2 [3] messengers & a clerk of leg. document division. 2§ '05 ch.218, 24 Mr
c Mich. Qualifications, duties & compensation of judiciary committee clerk of Senate & House & Senate stenographer. 5§ '05 ch.255, 16 Je
d Minn. Amdg. G.S.'94 §220: Senate not to elect fireman. 1§ '05 ch.52, 21 Mr
e Neb. Amdg. Ann.S.'03 §7010 rel. to officers & employees of Senate. 2§ '05 ch.91, 4 Ap
f Pa. Number, appointment & election, compensation & duties of employees of Gen. Assembly; vacancies. 7§ '05 ch.108, 12 Ap
g Vt. Amdg. S. §234 rel. to employment of assistants by Sergeant-at-arms. 1§ '04 ch.14, 16 N
h Wis. Amdg. '01 ch.438 providing for additional employees of Leg. 3§ '05 ch. 4, 21 F
i Wy. Creating office of Bill Clerk of House and Senate. 1§ '05 ch.5, 31 Ja

104 Temporary organization

- a Wy. Sec. of State to call House of Representatives to order at opening of regular session. 1§ '05 ch.72, 21 F

105 Legislative procedure

- a N. Y. Amdg. leg. law '92 ch.682 §4 rel. to contempt of either House of Leg. 1§ '05 ch.23, 27 F
b R. I. Joint rules & orders of Senate & House of Representatives. 28§ '05 r.62, 4 Ja

106

Bills

- a Cal. Submitting amdt. to Const. 1879 art.4 §2: bills not to be introduced after 40 [50] days from commencement of session except on consent of $\frac{2}{3}$ [$\frac{3}{4}$] members. Vote Nov. 1906. 2§ '05 p.1075, 10 Mr
- b Pa. Sec. of Commonwealth may appoint statute clerk, salary \$2000. 1§ '05 ch.234, 4 My

108 **Enrolling. Engrossing. Printing**

- a Del. Printed copies of bills after 2d reading may take place of engrossed bills during last 7 days of session. 3§ '05 ch.10, 9 Mr
- b Ind. Rep.'03 ch.125 which provided for printing acts of Leg. from special type. 1§ '05 ch.1, 13 Ja
- c Minn. Leg. bills may be printed or typewritten. 1§ '05 ch.153, 12 Ap
- d N. H. Amdg. '93 ch.64 §1: bills & resolutions may be engrossed or typewritten. 1§ '05 ch.6, 8 F
- e Wis. Bills, joint memorials & resolutions presented to Gov. to be printed instead of enrolled. Adds S.'98 §320b. 1§ '05 ch.2, 4 F

113

Sessions

- a S. C. Submitting amdt. to Const. 1895 art.3 §9: sessions of Leg. after 1906 to be held *biennially* [formerly annually]. Adopted Nov. 1904. '04 ch.383, 11 F

115

Direct legislation

- a Del. Submitting question whether Leg. provide system of advisory initiative & advisory referendum. Vote Nov. 1906. 10§ '05 ch.53, 18 Ap
- b Mon. Submitting amdt. to Const. art.5 §1 establishing initiative & referendum. Vote Nov. 1906. 3§ '05 ch.61, 2 Mr

116 **Citizenship. Civil and political rights**

See also 129, Suffrage

117

Citizenship

118

Naturalization

See also 135, Aliens (suffrage)

- a Mass. Evening sessions of certain courts to be held for purposes of naturalization when applications reach 25 & 10 make written request. Adds §21 to R.L. ch.166. 1§ '05 ch.340, 26 Ap

119

Restoration to citizenship

- a Cal. Gov. to order release of prisoner at end of term with or without restoration to citizenship; subsequent restoration. Adds §7 $\frac{1}{2}$ to '89 ch.264. 1§ '05 ch.398, 20 Mr
- b N. C. Amdg. '99 ch.44 §1-2: citizenship may be restored where sentence has been suspended. 2§ '05 ch.547, 6 Mr
- c Wy. Amdg. R.S.'99 §5462-63 rel. to restoration of criminal to citizenship. 2§ '05 ch.18, 10 F

122

Civil rights

See also 1238, Race distinction

- a **Cal.** Prohibiting discrimination against individual by place of public amusement or accommodation. Adds C.C. §51-54. 4§
'05 ch.413, 21 Mr
- b **Ct.** Race, color or alienage discrimination in use of public accommodations prohibited. 1§
'05 ch.111, 6 Je
- c **Or.** Referring to Leg. of 1903 amdt. to Const. 1857 art.1 §35: negroes not prohibited from residing in state. Repassed in 1903 but no provision for submission. '01 p.479, 12 F; '03 p.347, 6 F

123

Indians

See also 136, Suffrage; 395, Conveyance; 2178, State Indian School

- a **Me.** Removal of certain nontribal members from Penobscot Indian Reservation; relief of paupers; expenditure of school money. Supplements R.S.'03 ch. 13. 4§
'05 ch.102, 21 Mr
- b **N. M.** Amdg. '01 ch.29 §1 as to participation of Indians in election of irrigation officers. 2§
'05 ch.36, 8 Mr

126

Elections. Political parties

See also for term of office, vacancies etc., the various officers under state and local government; *also* 2225, School elections

- a **Ct.** Com'n to be selected to investigate laws rel. to primaries & corrupt practices at elections; report to Leg. of 1907. 2§
'05 special acts ch.499, 19 J1
- b **Kan.** Amdg. '03 ch.228 §2-4 rel. to form & marking of ballots; canvass of votes; preservation of ballots. 4§
'05 ch.222, 8 Mr
- c **Minn.** Amdg. '03 ch.168 rel. to use of registered mail instead of personal trip to county seat by village & town election officers to receive ballots & make returns. 5§
'05 ch.214, 17 Ap
- d **N. J.** Revision of list of registered voters by court; sessions on election day; contempts by election officers; compensation of judges. Supplements '98 ch.139. 8§
'05 ch.141, 12 Ap
- e **N. J.** Amdg. '98 ch.139 §13-15, 17, 19, 23, 94: appointment & organization of county bd of elections; bd of registry; canvass & return. 7§
'05 ch.258, 3 Je
- f **N. Y.** Misc. amdots. to election law '96 ch.909. 5§
'05 ch.675, 1 Je
- g **N. Y.** Amdg. '98 ch.676: State Sup't of Elections for Metropolitan District may appoint 400 [600] regular & 150 [200] additional deputies; clerk may swear in; reports of lodging houses; lists of enrolment on registration days; salaries; reports. 14§
'05 ch.689, 2 Je
- h **Okl.** Amdg. S.'02 §2922, 2926, 2929, 2946, 2953 rel. to elections: form of ballots; candidates; watchers; voting; exposure of ballots; canvass of votes; nominations. 12§
'05 ch.17 art.1, 2 Mr
- i **R. I.** Joint leg. committee to consider modifications of general election laws; report to present Leg. '05 r.91, 13 Ja
- j **Tex.** Rev. '03 ch.101 rel. to elections. 194§
'05 ch.11 (ex. sess.), 15 My

- j1 Vt. Amdg. S. §98: double nominations; provisions rel. to separate tickets for certain officers repealed. 1§ '04 ch.3, 10 D
k Wis. Amdg. S.'98 §49, '03 ch.451 §12 subdiv. 2, §14 subdiv. 7: opening & closing polls at elections; pay of clerks & inspectors at elections & primaries. 3§ '05 ch.424, 19 Je

129 **Suffrage: qualifications**

- a Del. Referring to Leg. of 1907 amdt. to Const. 1897 art.5 §4: voter not required to pay registration fee to qualify. 1§ '05 ch.4, 30 Mr

133 **Educational qualifications**

- a N. H. Amdg. P.S. ch.32 §7: supervisors of voting lists to test ability of certain applicants to read & write. 1§ '05 ch.53, 9 Mr

134 **Nationality. Race**

- a Md. Amdg. Const. 1867 art.1 §1 rel. to suffrage: registration restricted to those who are able to explain any section of Const. or who were qualified voters in 1869 or are the lineal descendants of such voters. Rejected Nov. 1905. '04 ch.96, 10 Mr (not in session laws)

135 **Aliens**

- a Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.3 §1¶2: qualified electors to include [white] persons of foreign birth declaring intention to become citizens *prior to Dec. 1, 1908; proviso.* '05 p.994

142 **Residence**

- a Wy. "An act to provide that electors may vote in any precinct where their duties call them on election day." 7§ '05 ch.88, 21 F

146 **Women**

See also 2225, School elections

- a Or. Referring to Leg. of 1905 amdt. to Const. 1857 art.2 by adding section: right of suffrage to be extended to women. '03 p.37 (ex. sess.)

149 **Corrupt practices. Election offenses**

See also 167, Offenses

- a Cal. Amdg. '93 ch.16 §32: witness in election fraud case alleging self-incrimination as ground for refusal to testify to be granted immunity from prosecution. 1§ '05 ch.95, 10 Mr
b Cal. Amdg. Pen.C. §42, 45-47, 49-51, 57, 59, 62 rel. to crimes against elective franchise. Adds §42a, 49a, 54a-b, 55a, 57a, 63b. 17§ '05 ch.479, 21 Mr
c Ind. Penalty for buying or selling vote; witness privileged from prosecution for testimony. Rep.'99 ch.166. 4§ '05 ch.158, 6 Mr
d N. J. Penalty for election offenses. Supplements '98 ch.139. 2§ '05 ch.118, 6 Ap

CONSTITUTIONAL LAW ELECTIONS

- e N. Y. Amdg. Pen.C. §41-4122 rel. to crimes against elective franchise. 14§ '05 ch.625, 26 My
- f N. C. Amdg. '01 ch.89 §76: msdr. to sell liquor on election day within 5 m. of polls. 1§ '05 ch.531, 6 Mr

150 Corrupt practices acts

All laws requiring candidates or committees to file a statement of election expenses are included under this head. These laws often include miscellaneous election offenses.

- a Ct. Corrupt practices. Rep.G.S. '02 §1694-98. 17§ '05 ch.280, 19 Jl
- c Wis. Amdg. S.'98 §4543c rel. to statement of expenditures of candidates: blanks to be furnished; publication of names of persons failing to file statement; prosecution. Adds §4543c subdiv. 1. 2§ '05 ch.502, 20 Je

154 Corporation funds

- a Minn. Felony for officer of business corp. to vote money to campaign fund. 1§ '05 ch.291, 19 Ap
- b Wis. Felony for corp. to contribute to political parties for influencing legislation or promoting or defeating candidacy of persons for political office. 6§ '05 ch.492, 21 Je

155 Illegal voting

- a Wis. Amdg. S.'98 §4543 as to illegal voting & registration. 1§ '05 ch.313, 7 Je

160 Nominations. Parties

- a Ari. Primary political elections. 18§ '05 ch.68, 16 Mr
- b Cal. Amdg. P.C. §1359, 1367 rel. to conduct of primary election. 2§ '05 ch.179, 18 Mr
- c Cal. Ballot clerk at primary election to compare elector's signature with that in roster. Adds P.C. §1367a. 1§ '05 ch.366, 20 Mr
- d Ct. Rev. G.S.'02 §1720-27 rel. to enrolment of voters, political primaries & caucuses. 13§ '05 ch.273, 19 Jl
- e Fla. Extending provisions of '01 ch.130 §18 to primary election in any municipality [of 10,000]. 2§ '05 ch.100, 5 Je
- f Ill. General primary election law. 120§ '05 p.211, 18 My
- g Ind. Regulating primaries in county with city of 36,000-43,000. '05 ch.73, 3 Mr
- h Me. Amdg. R.S.'03 ch.6 §116, 117: caucuses in cities of 35,000 [25,000]. 2§ '05 ch.149, 24 Mr
- i Mass. "An act rel. to elections & caucuses." Amds. R.L. ch.11; '03 ch.454 §13, 14, 16; rep.'04 ch.377. 18§ '05 ch.386, 10 My
- j Mich. Primary elections: direct nominations. 40§ '05 ch.181, 7 Je
- k Minn. Amdg. '99 ch.349 §15 rel. to hrs for voting at primary election. 1§ '05 ch.92, 31 Mr
- m Mon. Rep. P.C. §1318 rel. to publication of nominations for public office. 1§ '05 ch.91, 4 Mr

- n** **Neb.** Revising primary election law in counties of 125,000. Rep. C.S.'03 §3326-75. 34§ '05 ch.66, 30 Mr
- p** **N. H.** Caucuses: method of calling and conducting; voting lists; party test; penalties. Rep.'01 ch.105. 11§ '05 ch.93, 10 Mr
- q** **N. H.** Amdg. '97 ch.78 §4 as to time of holding certain caucuses. 2§ '05 ch.112, 10 Mr
- r** **N. J.** County committee of political party may prescribe rules for nominations to fill vacancy in Leg. Supplements '98 ch.139. 1§ '05 ch.1, 20 Ja
- s** **N. J.** Amdg. '03 ch.248 §6 rel. to election of county or mun. committee at party primaries. 1§ '05 ch.117, 6 Ap
- t** **N. M.** Double nomination prohibited; filing of party emblem; form of ballot; penalty. Rep. '03 ch.59. 5§ '05 ch.127, 16 Mr
- u** **N. Y.** Amdg. primary election law '98 ch.179 §8 subdiv.3: custodian of primary records may destroy after 3 yrs subject to order of District Atty. or judge of Court of Record. 1§ '05 ch.207, 17 Ap
- v** **N. Y.** Amdg. primary election law '98 ch.179 §3: special enrolment abolished in 2d class city. 4§ '05 ch.674, 1 Je
- w** **N. D.** Primary election law. 38§ '05 ch.109, 21 F
- x** **S. C.** Amdg. C.C. §255-57: primary election to be conducted according to *Const.* & rules of political party. 3§ '05 ch.409, 16 F
- y** **S. D.** Holding & regulation of primaries & conventions. 47§ '05 ch.107, 3 Mr
- z** **Tenn.** Amdg. '01 ch.39 §1 rel. to primary elections: election of ward & district committeemen; poll lists. 1§ '05 ch.353, 14 Ap
- z1** **Vt.** "Preparation & use of caucus check list"; form of ballot; penalty for fraud or bribery. 19§ '04 ch.2, 7 D
- z2** **Wis.** Amdg. '03 ch.451 §2: county & district sup'ts of school excepted from provisions rel. to party nominations. 1§ '05 ch.3, 6 F
- z3** **Wis.** Nomination & election of delegates to national conventions. 2§ '05 ch.369, 14 Je
- 160(3)** **Direct nominations**
 - a** **Mon.** Nominations by direct vote at primary election. Amds. P.C. §1206. 32§ '05 ch.99, 6 Mr
 - b** **Okl.** Primary elections. 26§ '05 ch.17 art.2, 10 Mr
 - c** **Wis.** Amdg. '03 ch.451 §20, 21 rel. to direct primaries: city bd of canvassers; party committees. 2§ '05 ch.359, 12 Je
- 163** **Certificates. Vacancies. Filing of nominations**
 - a** **Minn.** Amdg. '93 ch.4 §35 as to certificate of nomination made otherwise than by convention of delegates. 1§ '05 ch.134, 11 Ap
 - b** **N. Y.** Amdg. '96 ch.909 §66 subdiv.1: if primary results in tie vote nomination committee to fill vacancy. 1§ '05 ch.49, 9 Mr
- 164** **Double nominations**
 - a** **Minn.** "An act rel. to names of political parties on official ballot" providing that candidate should not run on 2 tickets. '01 ch.312, 13 Ap; amended '03 ch.232, 14 Ap. *Unconst.* as to latter provision not included in title. In re Day 102 N. W. 209 (1904).

166 **Nomination papers. Independent nominations**

- a Ill. Amdg. '91 p.107 §7: in city of 500,000 nomination papers to be filed 25 days before election. 1§ '05 p.208, 16 My
- b Ill. Nomination of candidate by petition. Adds §5½ to '91 p.107. 1§ '05 p.208, 18 My

167 **Offenses**

See also 149, Corrupt practices

- a Cal. Provisions of '93 ch.16 §19-33, 39-42 to secure purity of elections to apply to primaries. Adds §42a. '05 ch.41, 3 Mr
- b Ga. Amdg. '04 p.97 §1: msdr. to buy, sell, *offer to buy or sell or contribute for buying or selling* votes in primary elections for state, county, mun. or federal officers. 2§ '05 p.111, 23 Ag
- c S. C. Amdg. Crim. C. §265-66, 272-74 as to bribery at primary election. 5§ '05 ch.466, 6 Mr
- d S. C. Candidate at primary to pledge not to bribe or use intoxicant to gain votes & to file statement of expenses after election; msdr. to bribe or threaten. 3§ '05 ch.473, 6 Mr

168 **Parties**

- a Wis. Amdg. '03 ch.451 §22 rel. to formulation of party platform and election of central committee. 1§ '05 ch.79, 13 Ap
- b Wy. Amdg. R.S.'99 §289 subdiv.3: party casting 2% [10%] vote entitled to separate column on ballot at next 2 gen. elections. 1§ '05 ch.21, 10 F

1170 **Districts. Notices. Days**

171 **Days. Hours**

See also 1604, Legal holidays

- a Ill. Amdg. '91 p.107 §34: municipality in county of 3d class may open polls at 6 a.m. & close at 4 p.m. 1§ '05 p.210, 15 Mr
- b Mass. Amdg. R.L. ch.11 §213 ¶3: town polls for state or local election may be opened at 5.45 [6] a.m. 1§ '05 ch.111, 27 F
- c Minn. Amdg. '97 ch.239 §1: mun. election not to be held on same day as township election. 1§ '05 ch.149, 11 Ap
- d Neb. Biennial state elections. '05 ch.65, 4 Ap; amdg. C.S.'03 §3212, 3218. *Unconst.* Changes time of election & term of certain officers regulated by Const. art.6, 18. *State v. Galusha* 104 N.W. 197 (1905).
- e O. Amdg. Const. 1851 by adding art.17: elections of state & county officers to be held Tues. after 1st Mon in Nov. in even yrs; of other elective officers, in odd yrs. Adopted Nov. 1905. '04 p.640, 18 Mr
- f Wis. Amdg. S.'98 §49 as to time polls to be open for elections in cities. 1§ '05 ch.251, 25 My

172 **Districts**

- a Id. Amdg. '99 p.33 §42: election precincts to contain but 600 [400] voters. 1§ '05 p.317, 27 F
- b Kan. City of 2d class may divide ward of 300 into election precincts. 1§ '05 ch.223, 25 F

- c Wis. Amdg. S.'98 §865: recently incorporated village not having time to provide for holding judicial & gen. elections & elections for state & county sup'ts to remain part of former election district. 2§
'05 ch.58, 15 Ap

175

Ballots. Voting

- a Ct. Penalty for use of unofficial ballot. 1§ '05 ch.181, 29 Je
b Ky. Amdg. Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. Rejected Nov. 1905.
'04 ch.30, 14 Je
c Minn. Vote on city charter or mun. bond issue to be taken on separate lavender ballot & in separate ballot box. 2§
'05 ch.87, 30 Mr
d Okl. Publication of nominations & instructions for voting in newspaper. 3§ '05 ch.17 art.3, 23 F
e R. I. Amdg. G.L. ch.11, 19, '01 ch. 825, 829, 834 §2 rel. to ballots. Rep. '01 ch.829 §16, 21. 27§ '05 ch.1229, 26 Ap
g Wash. Amdg. Ballinger's Ann.C.& S.'97 §1362, 1394 rel. to duty of county com'rs at election & identification of voter. 2§
'05 ch.39, 27 F
h Wis. Amdg. S.'98 §80: preservation of ballots by inspectors; county clerk to destroy after 60 days; opening of ballots in case of contest. 1§ '05 ch.287, 1 Je
i Wis. Amdg. S.'98 §45: providing for use of pocket ballot & coupon voting system. Vote Ap. 1906. 20§ '05 ch.522, 21 Je

177

Ballot boxes

- a Ct. Sealing of ballot boxes. 4§ '05 ch.192, 29 Je
b Vt. Amdg. S. §116 rel. to additional ballot boxes. 1§ '04 ch.6, 10 D

178

Booths

- a Me. Amdg. R.S. '03 ch.6 §22 as to arrangement of voting booths. 1§
'05 ch.148, 24 Mr

179

Challenge. Oath

- a Or. Amdg. Ann.C.& S. §2875 as to swearing in vote of unregistered elector in city of 5000. 1§ '05 ch.148, 21 F

181

Form

- a Id. Amdg. '99 p.33 §48 prescribing form, type & color of election ballots. 2§ '05 p.311, 27 F
b Me. Amdg. R.S.'03 ch.6 §10, 12: Const. amdt. & other questions to be printed *on separate ballot*. 2§ '05 ch.135, 22 Mr
c Mich. Amdg. '91 ch.190 §22 as to marking of ballots by inspector. 1§
'05 ch.55, 12 Ap
d Vt. Amdg. S. §99 as to form of ballot for town representative. 1§
'04 ch.4, 9 D

c Del. Amdg. '98 ch.36 §16 rel. to time of holding appeals from decision of register of elections. 1§

- d **Id.** Amdg. '99 p.33 § 32, 34 rel. to registration: publication of notice; days of registration; exam. of applicant; elector's oath; register. 2§ '05 p.380, 8 Mr
- e **Kan.** Amdg. G.S.'01 §675: reregistration of voter unnecessary where residence remains unchanged if vote has been cast continuously. 2§ '05 ch.103, 8 Mr
- f **Nev.** Amdg. '69 ch.90 §2, 3, 5 rel. to form of register of voters; oath on registration. 3§ '05 ch.89, 16 Mr
- g **U.** Amdg. R.S.'98 §800-1, 816, 868 rel. to registering voters. 4§ '05 ch.128, 17 Mr
- h **Wash.** Amdg. '90 p.414 §2-3, 7, 13-14 rel. to open entries in & certification of poll book; registration in city of 1st class. 5§ '05 ch.171, 11 Mr
- i **W. Va.** Rev. C. ch.3 §91-100 rel. to registration of voters. 11§ '05 ch.43, 17 F
- j **Wis.** Provisions of S.'98 §23 rel. to registration of electors to apply to gen. & mun. election & annual town meetings on submission to vote of people. Adds §23a. 2§ '05 ch.454, 19 Je

188

Boards. Officers

See also 192, Election officers

- a **Id.** Registrars for each ward or election precinct of city or village to be appointed annually; exception. 5§ '05 p.36, 10 Mr
- b **N. M.** Amdg. C.L.'97 §1711 rel. to compensation of member of bd of registration for gen. election. 2§ '05 ch.40, 8 Mr

190

Lists. Transfers

- a **Cal.** Amdg. P.C. §1149 rel. to posting of precinct register at polls. 1§ '05 ch.203, 18 Mr
- b **Cal.** Amdg. P.C. §1115: index of great register to contain occupations of electors. 1§ '05 ch.265, 18 Mr
- c **Cal.** Roster of voters to be preserved on file for 1 yr after election. Adds P.C. §1264a. 1§ '05 ch.473, 21 Mr

192

Election officers

- a **Ill.** Amdg. '72 p.380 §32-33, 37 rel. to appointment of election judges; clerks. 3§ '05 p.202, 18 My
- b **Ky.** Clerk of Circuit Court in county containing 2d class city to act on bd of election com'rs with power of sheriff. '04 ch.93, 22 Mr; amdg. '00 ch.5 §2 (ex. sess.). *Unconst.* Arbitrary classification; special legislation. *Droege v. McInerney* 87 S. W. 1085 (1905).
- c **N. C.** Amdg. '01 ch.89 §62: county may allow election officers additional compensation. 1§ '05 ch.434, 4 Mr
- d **Wis.** Amdg. S.'98 §47 subdiv.1: election inspectors to be chosen from list submitted to village president or city mayor, by city or county committees of 2 parties casting largest vote at last gen. election; penalty. Adds subdiv.5. 3§ '05 ch.432, 19 Je

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Canvass. Contests

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Count. Canvass. Returns

See also 192, Election officers

- a Cal. Amdg. P.C. §1264 rel. to election returns. 1§
'05 ch.202, 18 Mr
- b Ill. Rules for canvassing ballots. 2§
'05 p.205, 13 My
- c Ill. Amdg. '91 p.107 §17 rel. to rules for counting votes for representative to Gen. Assembly. 2§
'05 p.206, 13 My
- d Ind. Composition & duties of county & city bds of election canvassers; appeals to circuit judge; inspector of elections; petitions for nomination. 13§
'05 ch.113, 4 Mr
- e Mich. Amdg. '95 ch.149 §4 rel. to canvass of election returns. 1§
'05 ch.43, 6 Ap
- f N. Y. Amdg. election law '96 ch.909 §113 subdiv.1: county clerk may destroy election papers after 3 yrs unless district atty. or judge of Court of Record forbids. 1§
'05 ch.165, 8 Ap
- g N. C. Amdg. '01 ch.89 §40: summoning bd of senatorial election district to determine result judicially; form of certificate of election. 1§
'05 ch.510, 6 Mr
- h S. C. Amdg. C.C. §221 rel. to forwarding election returns to Gov. & Sec. of State. 1§
'05 ch.484, 7 Mr

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Contests

- a Ct. Amdg. G.S.'02 §1823 rel. to contested mun. election. 1§
'05 ch.135, 15 Je

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CRIMINAL LAW

Penal Code and Code of Criminal Procedure

- a Ind. Rev. Burns Ann.S.'01 ch.4, 5 rel. to crimes & criminal procedure. 699§
'05 ch.169, 10 Mr

202

Criminal procedure

For laws applying to both civil and criminal procedure see 695, Civil procedure

203

Apprehension, prosecution, indictment

See also 706, Civil arrest

- a Mo. Preliminary exam. of person accused of capital offense; bail. Adds R.S.'99 §2476a. 1§
'05 p.132, 12 Ap
- b S. D. Amdg. C.C.P. §560-61, 564-66 rel. to prosecution of criminal action against corp.; form of summons; preliminary exam.; indictment. 6§
'05 ch.87, 7 Mr
- c Tex. Amdg. Crim.P.'95 art.258-59 rel. to issuance & execution of warrants of arrest. 3§
'05 ch.162, 22 Ap

204

Apprehension

- a Cal. Amdg. Pen.C. §840: officer may arrest at night for msdr. committed in his presence. 1§
'05 ch.530, 21 Mr

- b **Kan.** Amdg. '03 ch.122 §103, 112, 118, 120 rel. to arrest on warrant from Police Court; bail; forfeiture. 5§ '05 ch.110, 9 Mr
- c **N. C.** Nolle prosequi to be entered if person indicted is not apprehended for 2 terms of court; capias to issue thereafter on reasonable grounds to believe arrest possible. 4§ '05 ch.360, 2 Mr
- 205 **Bloodhounds**
 - a **Fla.** Amdg. '01 ch.40: county com'rs may purchase 2 or more bloodhounds for use by sheriff. 3§ '05 ch.44, 15 My
 - b **Ga.** Sheriff to keep 2-4 bloodhounds for tracking criminals. 2§ '05 p.106, 22 Ag
- 206 **Detectives**
 - a **N. J.** Public prosecutor in county of 1st class may appoint with approval of Court of Quarter Sessions 10 detectives; powers. 4§ '05 ch.190, 27 Ap
 - b **N. Y.** District atty. of Rensselaer to appoint county detective; \$1800; powers of constable in Rensselaer & adjoining counties. 1§ '05 ch.140, 5 Ap
 - c **Pa.** Special detectives may be appointed by district atty. in counties of 500,000-1,000,000. 4§ '05 ch.10, 1 Mr
- Identification, see 369**
- 208 **Reward**
 - a **Cal.** Amdg. Pen.C. §1547: Gov. may offer reward not exceeding \$1000 for arrest of highwayman. Rep. '76 ch.566. 1§ '05 ch.248, 18 Mr
 - b **Kan.** County may offer reward of \$300 for arrest & conviction of felon. 1§ '05 ch.360, 3 Mr
 - c **Kan.** County may offer reward of \$100 for arrest & conviction for killing fish by illegal methods. 1§ '05 ch.361, 7 Mr
- 209 **Bail**
 - a **Cal.** Amdg. Pen.C. §1476: judge may admit prisoner to bail pending determination of proceedings under habeas corpus. 1§ '05 ch.376, 20 Mr
 - b **Cal.** Amdg. Pen.C. §1305-7 rel. to forfeiture of bail in criminal case. 3§ '05 ch.539, 21 Mr
 - c **Kan.** Amdg. G.S.'01 §5585 as to approval of recognizance to appear for trial before Court of Record. 2§ '05 ch.335, 18 F
 - d **Mich.** Amdg. R.S.'46 ch.98 §20-22 rel. to surrender of defendant on bail. 3§ '05 ch.215, 13 Je
 - e **Neb.** Amdg. C.S.'03 §7506: *justice of peace, magistrates, probate judges & ministerial officers* required to take security on undertakings, *bonds & recognizances*, may require surety to make affidavit of qualifications; liability for insufficient surety. 2§ '05 ch.179, 3 Ap
 - f **Neb.** Amdg. Ann.S.'03 §2401 rel. to bond given in peace warrant cases: when defendant before or at hearing enters into recognizance with approved surety to keep peace for any time under yr, court may not require bond for reappearance. 2§ '05 ch.205, 3 Ap
 - g **N. H.** Amdg '95 ch.37 §5 rel. to fee of bail comr's. 1§ '05 ch.9, 8 F

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- h **Okl.** Amdg. S. '03 §5769, 5772: clerk of District Court or deputy or judge of court authorized to arrest & imprison offender may take bail in criminal case; clerk of District Court or deputy may justify sureties on bail bond. 2§ '05 ch.29 art.2 §2, 3, 15 Mr
- i **S. D.** Amdg. C.C.P. §171: justification of sureties on arrest & bail may be taken before clerk of Circuit Court in county where action is pending. 2§ '05 ch.94, 8 Mr

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Habeas corpus

- a **Cal.** Amdg. Pen. C. §1475: prisoner remanded by Superior Court judge after hearing on habeas corpus to be discharged only on new evidence. 1§ '05 ch.544, 21 Mr
- b **Ind.** Amdg. '81 ch.38 §655: Circuit Court to provide for custody of infant pending appeal from interlocutory order on habeas corpus. 1§ '05 ch.161, 7 Mr
- c **Tex.** "An act to authorize Supreme Court & justices thereof, to issue writs of habeas corpus in certain cases." 2§ '05 ch.17, 24 F

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Limitations

- a **Mo.** Amdg. R.S.'99 §2419 rel. to limitation of criminal prosecution. 1§ '05 p.130, 6 Mr

212

Prosecutions

- a **Fla.** Justice of peace & county judge sitting as committing magistrate to bind over witness for next grand jury by giving memoranda of date of meeting; form of memoranda. 3§ '05 ch.30, 5 Je
- b **Minn.** District Court may proceed on information if prisoner is held for trial after exam. or if he states in writing desire to plead guilty. 5§ '05 ch.231, 17 Ap
- c **Mo.** Amdg. R.S.'99 §8541: suit to recover fine for dealing without license may be begun by *information*. 1§ '05 p.218, 10 F
- d **Neb.** Amdg. C.S.'03 §692: county atty., if possessed of sufficient evidence to warrant belief of guilt, to file complaint. '05 ch.7, 29 Mr
- e **Vt.** Amdg. S. §1867: state's attys. may prosecute by information all crimes except those punishable by death or imprisonment for *life* [more than 20 yrs]. 1§ '04 ch.64, 16 N

213 **Grand jury**

- a **Cal.** Amdg. C.C.P. §241 rel. to impaneling of grand jury. 1§ '05 ch.137, 18 Mr
- b **Cal.** Amdg. Pen.C. §915, 919, 923, 925 rel. to powers of grand jury & procedure in investigating charge. Rep. §907-10, 916, 931-37. 6§ '05 ch.531, 21 Mr
- c **N. Y.** Amdg. Crim.P. §264: assistant district atty. or appointee of Supreme Court justice may be present to advise grand jury. 1§ '05 ch.286, 22 Ap
- d **N. D.** Amdg. R.C.'99 §7989 rel. to mode & time of drawing grand jury. 1§ '05 ch.126, 23 F

- e S. D. Amdg. C.C.P. §194: if grand jury is to consider indictment of Atty. Gen. court shall appoint special atty. to act on the charge. 2§ '05 ch.86, 7 Mr
- f S. D. Amdg. C.C.P. §162 rel. to summoning of grand jury at sitting of Circuit Court. 2§ '05 ch.92, 8 Mr
- g W. Va. Amdg. C. ch.157 §1: grand jury may be dispensed with at certain regular terms of Circuit Court. 1§ '05 ch.86, 22 F
- h Wis. Amdg. '03 ch.90 §3: grand jury to be in office *till discharged* by *presiding judge* [for term] of court. 1§ '05 ch.498, 20 Je
- 214 **Indictment**
 - a Cal. Amdg. Pen.C. §168 rel. to penalty for wrongful disclosure of fact of indictment having been found. 1§ '05 ch.489, 21 Mr
 - b N. J. Where city ordinance provides penalty for keeping disorderly house, offense of repeated unlawful sales of liquor to be prosecuted under it & not by indictment. '74 ch.404 §2, 26 Mr. *Unconst.* No person to be tried for criminal offense without presentment or indictment of grand jury. *State v. Terry* 61 A.148 (1905).
 - c N. M. Meaning of term "money" in indictment. 2§ '05 ch.129, 16 Mr

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Criminal trials

- a Cal. Amdg. Pen.C. §872, 882 rel. to commitment after exam. of person accused of crime; use of deposition of witness taken before trial. 2§ '05 ch.570, 22 Mr
- b Cal. Amdg. Pen.C. §954, 1004, 1008, 1020 rel. to pleadings in criminal case. Adds §969, 1025. 6§ '05 ch.574, 22 Mr
- c Minn. Amdg. G.S.'94 §7156: exam. & recognizance of person arrested for crime to be certified to court *within 10 days* [on or before 1st day of term]. 1§ '05 ch.179, 15 Ap
- 217 **Change of venue or judge**
 - a Cal. Amdg. Pen.C. §1033-34 rel. to change of venue of criminal trial; procedure. 2§ '05 ch.532, 21 Mr
 - b Mo. Amdg. R.S.'99 §2597: trial judge in criminal case incompetent through interest to request circuit or *criminal* judge to act. 1§ '05 p.131, 21 F
 - c S. D. Prosecution for crime punishable with death or imprisonment in penitentiary may be removed on application of Atty. Gen. based on impossibility of securing impartial trial in county. C.L.'87 §7312-18. *Unconst.* Accused entitled to trial in county or district where offense was committed. In re Nelson 102 N.W. 885 (1905).

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Evidence

See also 246, Perjury

- a Cal. Amdg. Pen.C. §1108, 1110 rel. to evidence on trial for abduction, seduction or false pretenses; proof of perjury. Adds Pen.C. §1103a. 3§ '05 ch.533, 21 Mr
- b Ct. Detention of witness in criminal case. 4§ '05 ch.100, 25 My

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- c **Id.** Amdg. R.S.'87 §7576: examination of witnesses must be taken *in cases prosecuted by information, unless right waived by accused*; record of evidence. 1§ '05 p.376, 10 Mr

220 **Competence**

- a **Fla.** Testimony given by witness in prosecution for violation of bribery, gambling & liquor laws not to be used against him. 1§ '05 ch.29, 1 Je

221 **Depositions**

- a **Cal.** Amdg. Pen.C. §1335-41 rel. to conditional exam. of witness in criminal case; procedure to obtain order. 7§ '05 ch.540, 21 Mr

222 **Experts**

- a **S. C.** Medical expert testifying for state at criminal trial to receive \$5 in addition to regular witness fee; proviso. 1§ '05 ch. 457, 21 F

223 **Witness fees**

- a* **Id.** Witnesses before examining magistrates, & in criminal cases before Probate & Justice Court, also jurors & witnesses in coroner's inquest to receive \$2 a day & 25c mileage one way; proviso. 3§ '05 p.173, 9 Mr
- b **Minn.** Amdg. '95 ch.241 rel. to witness fees of mun. or county official in suit where state or corp. employing is party. 1§ '05 ch.141, 11 Ap
- c **Okl.** Fixing fees of witness attending District Court on trial of felony. 5§ '05 ch.19 art.3, 13 Mr

224 **Judgment. Sentence. Execution**

- a **Cal.** Amdg. Pen.C. §1185-87 rel. to arrest of judgment in criminal case. 3§. '05 ch.536, 21 Mr
- b **Cal.** Amdg. Pen.C. §1387: dismissal of action bar to further prosecution for msdr. *unless made to amend complaint.* 1§ '05 ch.558, 21 Mr
- c **Cal.** Amdg. Pen.C. §1191, 1201, 1206-7 rel. to time for pronouncing judgment in criminal trial; stay for cause; entry; fine *with or without alternative of imprisonment* lien on property. 4§ '05 ch.571, 22 Mr
- d **Me.** Amdg. R.S.'03 ch.135 §26 rel. to sentences; when imposed; stay of execution; effect of admitting to bail. 1§ '05 ch.106, 21 Mr

225 **Appeals. New trial**

- a **Cal.** Amdg. Pen.C. §1147 as to retrial of action when complete jury fails to appear to render verdict on criminal case. 1§ '05 ch.534, 21 Mr
- b **Cal.** Amdg. Pen.C. §1182: order granting or denying motion for new trial to be entered immediately on minutes. '05 ch.535, 21 Mr
- c **Cal.** Amdg. Pen.C. §1235, 1238, 1240-41, 1245, 1264 rel. to criminal appeals. 6§ '05 ch.538, 21 Mr

- d Cal. Amdg. Pen.C. §1171, 1174, 1176 rel. to bill of exceptions in criminal case. 3§ '05 ch.569, 22 Mr
 - e Ct. Amdg. G.S.'02 §1439 rel. to appeals in criminal cases: recognition. 2§ '05 ch.188, 29 Je
 - f Ct. Amdg. G.S.'02 §1439 rel. to appeal in criminal cases. 1§ '05 ch.234, 13 Jl
 - g Ind. Appeal from conviction for felony in Mun. Court without bond or stay of proceedings if taken within 3 days; filing of record. 1§ '05 ch.5, 13 F
 - h Ind. State may appeal from decision on trial for msdr. as to sufficiency of affidavit, information or indictment or on ruling of law. 1§ '05 ch. 135, 6 Mr
 - i La. Appeal from conviction & fine of \$1000 in City Court for slander to be taken to District Court. '88 ch.118, 12 Jl. *Unconst.* Supreme Court has jurisdiction of appeals of \$300. State v. Judge of 1st Dist. Court. 37 S.546 (1904).
 - j Mass. Amdg. R.L. ch.219 §22: person convicted before Police, District or Mun. Court or trial justice to be notified at time of conviction of right to appeal. 1§ '05 ch.319, 21 Ap
 - k Okl. Amdg. '95 ch.41 §40 rel. to appeals from justice of peace & police judge in criminal cases. 2§ '05 ch.29 art.1, 15 Mr
 - m Okl. Amdg. S'03 §5612 rel. to appeal of defendant in criminal cases: bail bonds & petition in error; staying of execution; jail detention. 1§ '05 ch.29 art.2 §1, 15 Mr
- 226 **Expenses. Costs. Fines**
- a Cal. Fee of city justice of peace, town or city recorder or marshal for service in criminal action not to be county charge. 1§ '05 ch.89, 8 Mr
 - b Cal. Amdg. Pen.C. §1457, 1570 as to disposition of fines & forfeitures collected in Police or City Justices Court. 2§ '05 ch.181, 18 Mr; '05 ch.182, 18 Mr
 - c Ct. Estimate of costs in criminal cases & drafts for amount on Compt. 1§ '05 ch.94, 20 My
 - d Me. Imprisonment in default of fine terminated by payment. 1§ '05 ch.156, 24 Mr
 - e Mo. State or county to pay for transcript of stenographic notes in criminal appeal on writ of error if defendant is unable to do so. Amdg. R.S.'99 §10120. 1§ '05 p.306, 20 F
 - f Neb. County bds to pay uncollectable costs in msdr. & peace warrant causes; costs allowed only on approval of suit by county atty. Rep. C.S.'03 §8289. 2§ '05 ch.207, 30 Mr
 - g N. C. On compliance with court order clerk may discharge mortgage given as security for appearance or costs or fine in criminal action. 2§ '05 ch. 106, 4 F
 - h Pa. To prevent taxation of unnecessary costs in criminal cases. 4§ '05 ch.17, 10 Mr
 - i Pa. Court may order county to pay costs on entering a nolle prosequi or setting aside verdict in criminal case. 2§ '05 ch.110, 14 Ap

- j R. I. Amdg. G.L.ch.285 §60: criminal costs may be remitted by justice of *Superior* [Supreme] Court, or of District Court *where case pending* [in county where convict imprisoned]. 2§
'05 ch.1241, 10 My
- k Tenn. Amdg. '03 ch.114 rel. to collection of costs & fees in criminal cases in counties of 60,000-90,000: provisions extended to counties of 150,000. 2§
'05 ch.215, 8 Ap
- m Tenn. Amdg. '97 ch.41 §2: Atty. Gen.'s fees not to be remitted or released but taxed in bill of costs of criminal cause. 1§
'05 ch.533, 17 Ap
- 227 Counsel and expenses of poor prisoner
- a Wis. Amdg. S.'98 §4713: compensation allowed to counsel appointed by court to defend indigent prisoner to be paid by county treasurer on certificate of clerk of court. 1§
'05 ch.18, 17 Mr

228 Sentence

See also 353, Commitment; 363, System of sentencing and reform

229 Death penalty

- a Cal. Amdg. Pen.C. §1214, 1221-27 rel. to execution of judgment in criminal case; insanity or pregnancy of convict. 8§
'05 ch.537, 21 Mr
- b Ct. Amdg. G.S.'02 §1525 as to time of infliction of death penalty: reprieve. 1§
'05 ch.210, 6 Jl
- c Minn. County to pay expense of executing death sentence. 1§
'05 ch.290, 19 Ap
- d Wy. "An act concerning execution of death penalty, prescribing time, place & manner of inflicting; place of confinement... executioner, duties of various officers..." 17§
'05 ch.11, 7 F

230 Jury

See also 726, Civil procedure

- a Id. Witnesses before examining magistrates, & in criminal cases before Probate & Justice Court, also jurors & witnesses in coroner's inquest to receive \$2 a day & 25c mileage one way; proviso. 3§
'05 p.173, 9 Mr
- b Ind. Jury in criminal trial may be impaneled in adjoining county if court be satisfied that local jury would be biased. 5§
'05 ch.88, 4 Mr

231 Challenge

- a Id. Defendant in criminal cases given exception to ruling disallowing challenge to panel of jury or to individual jurors for certain causes. 1§
'05 p.328, 16 F

233 Criminal jurisdiction

- a Cal. Amdg. Pen.C. §777, 784, 789 rel. to jurisdiction over offenses & crimes. Adds §778a-b. 5§
'05 ch.529, 21 Mr
- b La. Prisoner may be tried in parish within 100 yds of boundary line of which offense was committed. R.S. §988. *Unconst.* Const. art. 9 provides that trial shall be in parish where offense was committed. *State v. Montgomery* 38 S.949 (1905).

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Crimes and offenses

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties

236

Crimes against the government

238

Administration of justice

240 Contempt of court

- a N. C. Amdg. C. §649 rel. to appeals from judgment of contempt of court. 2§ '05 ch.449, 4 Mr

242 Escape of convict

Aiding or permitting escape. For arrest and punishment of convict *see* 352

- a Cal. Amdg. Pen.C. §109-10 rel. to penalty for aiding escape from prison, jail or reformatory. 2§ '05 ch. 484, 21 Mr
- b Cal. Penalty for communicating with convict or giving him weapon or poison; felony for ex-convict to approach prison at night; tramps. Amds. Pen.C. §171; adds §171a-c; rep. §180a. 5§ '05 ch.490, 21 Mr
- c N. C. Amdg. C. §1022: officer allowing escape of prisoner may be fined & imprisoned. 1§ '05 ch.350, 2 Mr
- d Tex. Amdg. Pen.C. art.229 rel. to penalty for aiding escape from officer of prisoner convicted of msdr. 1§ '05 ch.157, 18 Ap
- e Wash. Amdg. '91 ch.147 §28 rel. to penalty for giving weapon or means of escape to prisoner in penitentiary. 2§ '05 ch.46, 2 Mr
- f W. Va. Felony to abduct inmates & msdr. to induce escape, or trespass on grounds of state benevolent, penal or reformatory inst. 5§ '05 ch.73, 14 F

246 Perjury

- a Cal. Amdg. Pen.C. §119, 121, 124, 129 rel. to perjury & subornation to perjury. Adds §118a. 5§ '05 ch.485, 21 Mr
- b Tex. Child under 9 yrs may be convicted of perjury on proof of sufficient discretion to understand oath. Amds. Pen.C. '95 art.34. 1§ '05 ch.59, 3 Ap

250

Bribery

See also 96, Legislature; 149, Corrupt practices

- a Cal. Amdg. Pen.C. §165 rel. to penalty for offering bribe to member of local governing bd & for acceptance of same. 1§ '05 ch.488, 21 Mr
- b Col. Amdg. G.S.'83 §790-92 as to bribery of alderman or member of city council. 3§ '05 ch.95, 10 Ap
- c Id. Witnesses in bribery cases not to be excused on ground of self-incrimination; proviso. 1§ '05 p.416, 7 Mr
- d Kan. Amdg. G.S.'01 §2190 rel. to bribery of public officer. 2§ '05 ch.205, 8 Mr
- e Neb. Amdg. C.S.'03 §7830: imprisonment 1-5 yrs [\$500 & 30 days in county jail] for any person summoned, appointed or sworn as a juror who takes or agrees to take bribe; proviso. 2§ '05 ch.191, 30 Mr

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- f** **Neb.** Unlawful for person to give or take bribe for signature designating paving material to be used in highway improvement. 1§
'05 ch.192, 3 Ap
- g** **Neb.** Amdg. C.S.'03 §7840: penalty, \$300—\$500, and 1 yr imprisonment in penitentiary for giving, taking, or soliciting of bribe by public officer [officers designated]. 2§
'05 ch.193, 3 Ap
- h** **Neb.** Amdg. C.S.'03 §7829: penalties for bribing juror or witness, \$500 or [and] imprisonment of 1-5 yrs in penitentiary [not exceeding 30 days in county jail]. 2§
'05 ch.190, 4 Ap
- i** **Okl.** Defining & punishing bribery of public officer. 3§
'05 ch.13 art.7, 21 F
- j** **S. C.** Penalty for giving or taking bribe. 1§
'05 ch.467, 4 Mr
- k** **U.** Amdg. R.S.'98 §4136: felony [msdr.] to bribe or attempt to bribe witness or one about to be called as witness. 1§
'05 ch.46, 8 Mr
- 252** **Flags: desecration**
- a** **Col.** Msdr. to desecrate U. S. flag by advertisement or otherwise. 2§
'05 ch.107, 10 Ap
- b** **Ct.** Amdg. G.S. '02 §1386 rel. to prohibition of use of U. S. flag: exceptions. 1§
'05 ch.200, 29 Je
- c** **Id.** Msdr. to desecrate, mutilate or use U. S. flag improperly. 3§
'05 p.328, 16 F
- d** **Kan.** Msdr. to desecrate U. S. flag by advertisement or otherwise. 3§
'05 ch.208, 25 F
- e** **Mon.** Msdr. to desecrate U. S. flag by advertisement or otherwise. 3§
'05 ch.63, 2 Mr
- f** **Neb.** Msdr. to use U. S. flag improperly. 1§
'05 ch.200, 3 Ap
- g** **Neb.** Defining permissible use of U. S. flag. 1§
'05 ch.201, 3 Ap
- h** **N. Y.** Amdg. Pen.C. §640 subdiv. 16 as to penalty for desecration of U. S. flag by advertising matter or otherwise. 1§
'05 ch.80, 21 Mr
- i** **N. Y.** Amdg. Pen.C. §640 subdiv. 16: possession of substance or thing with U. S. flag on it desecrated by advertising matter presumptive evidence of violation of law. 1§
'05 ch.440, 16 My
- j** **Wy.** Msdr. to desecrate national or state flag by advertisement or otherwise. 1§
'05 ch.47, 15 F

256 Crimes against public order and security*See also 870, Public order***258 Disorderly conduct**

- a** **Cal.** Amdg. Pen.C. §302 rel. to disturbing religious meeting. 1§
'05 ch.499, 21 Mr

260 Vagrancy

- a** **Fla.** Amdg. R.S. '92 §2642-43 rel. to vagrants: definition; arrest. 2§
'05 ch.48, 29 My
- b** **Ga.** Amdg. Pen.C.'95 §453 as to punishment of vagrancy. 3§
'05 p.109, 23 Ag
- c** **Mass.** Cities & towns providing lodging for tramps, to make lodgers work. 1§
'05 ch.344, 26 Ap

- d **Mass.** Amdg. '04 ch.274 §1: tramps or vagrants received in work or alms house without commitment to be kept separate from pauper inmates. 1§ '05 ch.348, 28 Ap
- e **N. C.** Defining & providing penalty for vagrancy. Rep. C. §3834. 4§ '05 ch.391, 4 Mr
- 262 **Weapons**
 - See also* 1118, Air guns, etc.
 - a **Ari.** Amdg. Pen.C. §384 rel. to penalty for carrying concealed weapons. 3§ '05 ch.48, 16 Mr
 - b **Kan.** Msdr. to manufacture or sell "knucks. "2§ '05 ch.212, 22 F
 - c **N. J.** Msdr. to carry concealed weapon in public; permits 25c. Supplements '98 ch.235. 2§ '05 ch.172, 18 Ap
 - d **N. Y.** Amdg. Pen.C. §409-10 rel. to carrying weapons; legal age for use made uniform at 16; permits. 2§ '05 ch.92, 22 Mr
 - e **Tex.** Amdg. Pen.C.'95 art.338 rel. to carrying arms: penalty, fine not less than \$100 [\$25] or imprisonment 30 days to 12 mo. [10 to 30 days]. 1§ '05 ch.44, 27 Mr
 - f **U.** Msdr. to give or sell firearm to minor under 14 or for latter to carry same without consent of parent or guardian. 2§ '05 ch.52, 9 Mr
 - g **Vt.** Prohibiting sale or gift of firearm or dangerous weapon to minor under 15. 2§ '04 ch.152, 10 D
- 264 **Crimes against public morals and the family**
 - See also* 895, Cruelty to children and animals; 929, Sunday observance
 - a **Cal.** Penalty for open & notorious fornication & adultery. Adds Pen.C.269a-b. 2§ '05 ch.498, 21 Mr
- 266 **Abortion**
 - a **Ct.** Amdg. G.S.'02 §1157 rel. to encouragement of commission of abortion. 1§ '05 ch.167, 21 Je
 - b **Mass.** Amdg. R.L. ch.212 §16: penalty for publishing means to secure aid to cause miscarriage or to prevent pregnancy. 1§ '05 ch.316, 21 Ap
 - c **Wis.** Person not to be excused from testifying in prosecution for abortion; witness to be immune from prosecution. 1§ '05 ch.149, 3 My
- 268 **Adultery**
 - a **Id.** Defining adultery; penalty. 1§ '05 p.294, 17 F
 - b **Neb.** Amdg. C.S.'03 §7872 increasing penalties for adultery. 2§ '05 ch.194, 28 Mr
- 270 **Bastardy**
 - a **Mass.** Amdg. R.L. ch.82 §12 as to discharge of defendant in bastardy case where complainant neglects or refuses to prosecute. 1§ '05 ch.345, 26 Ap
 - b **N. Y.** Amdg. Crim. P. §840 rel. to application for inquiry into birth of bastard likely to become public charge. 1§ '05 ch.327, 25 Ap

CRIMINAL LAW CRIMES AND OFFENSES

- c Wis. Amdg. S.'98 §1536: father of illegitimate child failing to give bond with approved securities for support of child & expenses of trial to be committed to county jail *or to county workhouse or house of correction.* 1§ '05 ch.110, 22 Ap
- d Wis. Amdg. S.'98 §4587c: penalty for failure of person adjudged to be father of illegitimate child to provide for same. 1§ '05 ch.131, 29 Ap
- e Wis. Amdg. S.'98 §1531, 1533, 1540, 1542 rel. to bastardy proceedings. 4§ '05 ch.136, 29 Ap
- 272 Bigamy
 - See also 139, Suffrage
- a Cal. Amdg. Pen.C. §283-84: maximum punishment for bigamy \$5000 [\$2000] & 10 [3] yrs. 2§ '05 ch.272, 18 Mr
- 274 Fornication
 - a Or. Fornication & its punishment. 1§ '05 ch.119, 18 F
- 278 Indecency
 - a Col. Person over 14 taking indecent liberties with child under 16 guilty of felonious assault. 1§ '05 ch.94, 6 Ap
 - b Ill. Felony to commit lewd or lascivious act with child. 1§ '05 p.188, 11 My
- 282 Polygamy
 - a Id. Defining polygamy; penalty. 1§ '05 p.293, 17 F
- 286 Rape
 - a Del. Amdg. R.C. ch.127 §11: imprisonment for assault with intent to commit rape, 20 [10] yrs. 1§ '05 ch.203, 29 Mr
 - b Ill. Amdg. R.S.'74 ch.38 §237: male of 17 [16] having carnal knowledge of female of 16 [14] not his wife guilty of rape; action to abate on marriage; male 16 [14] may commit rape. 1§ '05 p.193, 7 Ap
 - c Nev. Amdg. '61 ch.28 §44, 47: jury may affix death penalty for rape or assault with intent to commit accompanied by extreme violence. 2§ '05 ch.55, 4 Mr
 - d N. J. Amdg. '98 ch.235 §113: high msdr. to assault to carnally know girl under 16 with or without consent. 2§ '05 ch.157, 17 Ap
 - e N. J. Amdg. '98 ch.235 §115: high msdr. for male over 16 to carnally know girl under 12 [16] with or without consent; penalty for rape not to exceed \$5000 [\$1000] fine & 30 [15] yrs imprisonment. 1§ '05 ch.159, 17 Ap
- 288 Seduction
 - a S. C. Msdr. to seduce woman under promise of marriage; provisos. 1§ '05 ch.464, 22 F
 - b Wash. Amdg. Ballinger's Ann.C.& S.'97 §7066: prosecution for seduction stayed by marriage may be revived for nonsupport or desertion within 3 yrs. 1§ '05 ch.33, 24 F

- 292 Crimes against persons**
- 294 Abduction**
- a Cal. Amdg. Pen.C. §207 rel. to definition of kidnapping. 1§ '05 ch.493, 21 Mr
 - b Vt. "An act defining & punishing kidnapping." Rep.S. §4912. 2§ '04 ch.149, 29 N
 - c W. Va. Amdg. C. ch.144 §14 as to seizure & secretion of child under 14 for purposes of extortion. 1§ '05 ch.74, 24 F
- 296 Assault**
- a Del. Amdg. R.C. ch.127 §6: imprisonment for assault with intent to murder, 20 [5] yrs. 1§ '05 ch.202, 29 Mr
 - b Or. Amdg. Ann.C.&S. §1772: wife-beating may be punished by whipping; procedure in assault case before justice of peace. 1§ '05 ch.203, 22 F
- 299 Careless shooting**
- a Minn. Amdg. G.S.'04 §6445: shooting person in mistake for animal manslaughter in 1st degree. 1§ '05 ch.125, 7 Ap
- 304 Homicide**
- a Ct. Amdg. G.S.'02 §1143: fine or 15 [and 10] yrs imprisonment for manslaughter. 1§ '05 ch.163, 21 Je
 - b Kan. Amdg. G.S.'68 ch.31 §19 rel. to definition of manslaughter in 3d degree. 2§ '05 ch.213, 17 F
 - c Me. Amdg. R.S.'03 ch.119 §2: neglect of child resulting in death manslaughter. 1§ '05 ch. 153, 24 Mr
- 308 Crimes against property**
- a Cal. Amdg. Pen.C. §27 rel. to punishment for larceny, robbery or embezzlement committed out of state. 1§ '05 ch.478, 21 Mr
- 310 Arson. Destruction by explosives**
- a Cal. Amdg. Pen.C. §601 rel. to malicious use of explosive to destroy or injure property. 1§ '05 ch.525, 21 Mr
 - b Cal. Amdg. Pen.C. §600: arson to burn telephone pole. 1§ '05 ch.549, 21 Mr
 - c Id. Felony to destroy building or equipment of light or power plant by explosive. 1§ '05 p.220, 8 Mr
 - d N. M. Defining arson penalties. Rep. C.L.'97 §1101-2, 1108. 4§ '05 ch.29, 3 Mr
 - e Or. Amdg. Ann.C.&S. §1783: husband burning wife's property guilty of arson. 1§ '05 ch.54, 10 F
 - f Pa. Amdg. '60 ch. 374: penalty for felonious use of high explosive in housebreaking. 1§ '05 ch.189, 22 Ap
- 312 Burglary**
- a Del. Felony to enter inhabited or uninhabited building at night & commit burglary by use of explosive. 2§ '05 ch.204, 3 Ap
 - b Fla. Amdg. R.S.'92 §2434-37 rel. to penalty for burglary by person carrying high explosives or by use of explosives; breaking railroad car after entering with felonious intent. 4§ '05 ch.40, 15 My

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- c **Kan.** Amdg. G.S.'01 §2059-60 rel. to definition of burglary in 2d & 3d degrees. 3§ '05 ch.206, 25 F
- d **Minn.** Amdg. G.S.'94 §6677 rel. to definition of burglary in 1st degree. 1§ '05 ch.210, 17 Ap
- e **Neb.** Penalty for breaking & entering building to commit felony, or steal property. Rep. C.S.'03 §7689, 7694. 3§ '05 ch.184, 4 Ap
- f **Pa.** Msdr. to have burglar's tools in possession. 1§ '05 ch.21, 14 Mr
- g **U.** Amdg. R.S.'98 §4334-38 rel. to burglary: defining 1st & 2d degrees; penalties. 5§ '05 ch. 19, 24 F
- 316 Counterfeiting. Forgery**
See also 1220, Tickets
 - a **Cal.** Amdg. Pen.C. §470, 474, 481-82 rel. to forgery & counterfeiting. 4§ '05 ch.515, 21 Mr
 - b **U.** Amdg. R.S.'98 §4343 rel. to forgery & counterfeiting. 1§ '05 ch.3, 6 F
- 318 Defrauding liverymen and hotel keepers**
 - a **Ari.** Penalty for defrauding innkeeper for board or lodging. 1§ '05 ch.10, 21 F
 - b **Mich.** Penalty to defraud livery stable keeper. 3§ '05 ch.269, 16 Je
 - c **Minn.** Amdg. G.S.'94 §7999: msdr. to defraud hotel, lodging or boarding house keepers; lien on baggage. 2§ '05 ch.325, 19 Ap
 - d **N. J.** Msdr. to fraudulently obtain board or lodging or surreptitiously remove baggage. Supplements '98 ch.235. 1§ '05 ch.127, 12 Ap
 - e **N. M.** Penalty for wilful injury to property or for defrauding liveryman. 3§ '05 ch.62, 14 Mr
 - f **N. Y.** Amdg. lien law '97 ch.418 §71: definition of "apartment hotel"; lien on baggage for board & lodging. 1§ '05 ch.206, 17 Ap
 - g **Or.** Msdr. to defraud hotel or boarding house keeper out of board or lodging. 3§ '05 ch.84, 15 F
 - h **Wy.** Amdg. R.S.'99 §5145: surreptitious removal of baggage prima facie evidence of intent to defraud innkeeper. 1§ '05 ch.65, 20 F
- 320 Electric apparatus and power: water and gas mains and meters**
 - a **Ari.** Amdg. Pen.C. §527 as to malicious injury to telegraph or telephone apparatus. 1§ '05 ch.65, 16 Mr
 - b **Cal.** Amds. Pen.C. §591: msdr. to maliciously injure telephone equipment. '05 ch.521, 21 Mr
 - c **Id.** Msdr. to divert electric current or tamper with meters or wires. 3§ '05 p.72, 18 F
 - d **Me.** Penalty for interfering with apparatus for supplying gas or electricity. 1§ '05 ch.112, 21 Mr
 - e **Nev.** Amdg. '97 ch.23 §1: '64 ch.86, '66 ch.17 & amds. rel. to protection of telegraph co. to apply to telephones. 1§ '05 ch.80, 8 Mr

- f Pa. Felony to steal electric wire. 1§ '05 ch.14, 8 Mr
- g Tex. Penalty for diverting supply or interfering with electric.
water or gas meter. 1§ '05 ch.105, 15 Ap
- h Wis. Amdg. S.'98 §4432: penalty for causing false registration of
electric, gas & water meters. 1§ '05 ch.70, 11 Ap
- 322 **Embezzlement**
 - a Ari. Amdg. Pen.C. §463 as to demand for return of property in
embezzlement. 2§ '05 ch.17, 24 F
 - b Cal. Amdg. Pen.C. §424 rel. to embezzlement & falsification of
accounts by public officer. 1§ '05 ch.59, 3 Mr
 - c Cal. Felony for public official to misapply money allowed for
deputy or clerk. Adds Pen.C. §74a. '05 ch.481, 21 Mr
 - d Cal. Amdg. Pen.C. §512-14 rel. to embezzlement. 3§
'05 ch.520, 21 Mr
 - e Cal. Amdg. Pen.C. §497 rel. to bringing stolen or *embezzled* prop-
erty into state. 1§ '05 ch.554, 21 Mr
 - f Mich. Amdg. R.S.'46 ch.154 §29: larceny for employee of volun-
tary or limited partnership ass'n to embezzle money or wrongfully
convert property. 1§ '05 ch.102, 10 My
 - g Neb. Amdg. C.S.'03 §7780 rel. to embezzlement: provisions ex-
tended to factor & commission agent, also all employees. 2§
'05 ch.189, 9 Mr
 - h N. H. Amdg. P.S. ch.273 §17 as to embezzlement by officer or
agent of club or benevolent ass'n. 1§ '05 ch.1, 1 F
- 324 **False pretenses**
 - a N. C. Amdg. C. §1027 rel. to penalty for fraudulently obtaining
money under promise to apply certain property to liquidation of debt.
1§ '05 ch.104, 4 F
 - b N. C. Names represented by "company" or "agent" to be dis-
closed by sign at place of business; married woman in trade to use
Christian name; noncompliance with act justifies treatment of one
in possession as owner. 3§ '05 ch.443, 4 Mr
 - d S. D. Defining & punishing crime of making false statement. 2§
'05 ch.108, 28 F
 - e U. Penalty for obtaining credit by false written representations of
financial standing. 1§ '05 ch.88, 9 Mr
 - f Wis. Penalty for making false statements to secure credit. 1§
'05 ch.265, 25 My
- 325 **Fraud (miscellaneous)**

See also 459. Sale of merchandise; 1592. Advertisements

 - a Cal. Msdr. to make false representations as to quality or merit of
merchandise to induce purchase. Adds Pen.C. 654a. 1§
'05 ch.254, 18 Mr
 - c Cal. Amdg. Pen.C. §529-30, 532, 537½, 537¾, 538, 538a rel. to false
personation & pretenses; fraudulent removal of mortgaged property.
Adds Pen.C. §538b & rep. §537, 543½. 10§ '05 ch.523, 21 Mr
 - d Mich. Amdg. R.S.'46 ch.81 §10 as to fraudulent conveyance or
mortgage of goods & chattels. 1§ '05 ch.258, 16 Je

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- e Mich. "An act to prevent fraudulent sale & advertising for sale of merchandise..." 4§ '05 ch.260, 16 Je
- f N. J. Msdr. to incorporate or use corporate powers to perpetrate fraud. Supplements '98 ch.235. 2§ '05 ch.257, 2 Je
- g N. Y. Penalty for fraudulently obtaining signature to application, or property, for degrees, secrets or membership in secret fraternity. Adds §567a to Pen.C. 1§ '05 ch.366, 2 My
- i N. C. Amdg. '89 ch.444 §1: evidence of obtaining advances on promise to work & failure to do so presumptive evidence of fraud. 1§ '05 ch.411, 4 Mr
- j R. I. Msdr. to misrepresent circulation of newspaper or periodical for purpose of securing advertising or patronage. Supplements G.L. ch.283. 2§ '05 ch.1251, 11 My
- k S. D. Defining & punishing confidence game, & swindling by cards. 5§ '05 ch.168, 7 Mr
- m Tenn. Felony to mortgage personal property when title not in mortgagor. 2§ '05 ch.329, 13 Ap
- n Wash. Felony to draw check knowingly without funds to cover it. 1§ '05 ch.49, 2 Mr
- 326 Injury. Trespass. Malicious mischief
 See also 468, Torts; 1879, Domestic animals; 1908, Trespass (hunters); 2034, Trespass (mines)
- a Ari. Msdr. to have in possession instrument with intent to use for malicious injury to person or property. Adds. Pen.C. §523a. 2§ '05 ch.26, 9 Mr
- b Cal. Felony to maliciously drive foreign substance into lumber intended for manufacture. Adds Pen.C. §593a. 2§ '05 ch.521, 21 Mr
- c Cal. Amdg. Pen.C. §602 rel. to penalty for malicious trespass. Rep. §603. 2§ '05 ch.526, 21 Mr
- d Ct. Penalty for trespassing to gather junk, rags or bones. Amds. '03 ch.199 §1. 1§ '05 ch.91, 20 My
- e Me. Amdg. R.S.'03 ch.118 §4: punishment of person entering on land claiming authority from foreign gov't or magistrate *at discretion of court*. 1§ '05 ch.13, 17 F
- f Minn. Amdg. '89 ch.209 §5 rel. to penalty for unlawfully poisoning animal. 2§ '05 ch.53, 21 Mr
- g Mon. Amdg. Pen.C. §1054 rel. to trespass. Adds subdiv. 7, 8. 2§ '05 ch.10, 9 F
- h N. J. Malicious destruction of property to value of \$25 punishable by fine of \$25 & 3 mo. imprisonment. Supplements '98 ch.239. 1§ '05 ch.183, 20 Ap
- i N. D. Penalty for placing substances in grain to cause injury to threshing machines or persons; damages. 2§ '05 ch.174, 14 F
- j N. D. Amdg. R.C.'99 §7569: malicious injury to haul dead animal, offensive or decaying matter on land without owner's consent. 1§ '05 ch.133, 6 Mr
- k Pa. Penalty for trespass on land on which warning notice is conspicuously posted \$10. 3§ '05 ch.124, 14 Ap

- m S. C. Penalty for certain trespassing on private land. 2§
'05 ch.453, 22 F
- n U. Amdg. R.S. '98 §72: *msdr.* [trespass] *wilfully* to throw down
fence or open gate; penalty *actual damage* [\$5 fine]. 1§
'05 ch.23, 25 F
- 328 **Larceny and receiving stolen goods**
 - a Ari. Amdg. Pen.C. §444 defining grand larceny. 2§
'05 ch.14, 21 F
 - b Cal. Amdg. Pen.C. §442 rel. to conversion of military property. 1§
'05 ch.146, 18 Mr
 - c Cal. Amdg. Pen.C. §496 rel. to penalty for receiving, buying or sell-
ing stolen property. 1§ '05 ch.553, 21 Mr
 - d Fla. Amdg. R.S.'92 §2441: penalty for petit larceny imprison-
ment for 6 [3] mo. or fine of \$300 [\$100]. 2§ '05 ch.39, 26 My
 - e Pa. Gen. allegations sufficient in indictment for larceny or for
receiving stolen property except in case of chattel. Supplements '60
ch.375. 1§ '05 ch.111, 14 Ap
 - f S. C. Amdg. Crim.C. §163: *msdr.* to enter or hide in vessel with
intent to steal. 1§ '05 ch.425, 18 F
 - g U. Amdg. R.S. '98 §4355: possession of recently stolen property
without satisfactory explanation *prima facie* evidence of larceny. 1§
'05 ch.63, 9 Mr
 - h Wash. Amdg. Ballinger's Ann. C.& S.'97 §7109 rel. to definition
& punishment of petit larceny. 1§ '05 ch.77, 6 Mr
- 332 **Robbery**

See also 1333, Train robbery

 - a Minn. Amdg. G.S.'94 §6485: extreme penalty for robbery in 1st
degree 40 [20] yrs. 2§ '05 ch.114, 6 Ap
 - b S. D. Amdg. Pen.C. §294: minimum penalty for robbery in 1st
degree, 1 yr [10] in State Prison. 2§ '05 ch.151, 28 F

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Corrections

BY HELEN PAGE BATES, PH D.

See also 60, State institutions; 2140, Charities

- a Fla. Amdg. '95 ch.69: provision for appointment by Gov. of 1 or
more supervisors of state convicts & convict camps for 4 yrs at \$125
a mo.; to serve under direction of Com'r of Agric. & Bd of Com'rs
of State Ins.: inspection of county camps; recommendations to Bd
of Pardons; reports. 6§ '05 ch.77, 27 My
- b U. Amdg. R.S.'98 §2220 rel. to composition & appointment of
State Bd of Corrections in which control of State Prison is vested.
'05 ch.101, 9 Mr

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State prisons

- a Cal. Rep. Pen.C. pt3 t.1 ch.1 rel. to State Prison. 1§
'05 ch.480, 21 Mr
- b Kan. Authorizing renewal for 2 yrs of contract with Oklahoma
for keeping territorial convicts at 40c a day. '05 ch.528, 26 Ja

CRIMINAL LAW CORRECTIONS

- c **Mass.** Gov. & Council to investigate advisability of establishing branch state prison on Nashawena island. '05 r.106, 26 My
 - d **Neb.** Penitentiary lands to be appraised and sold by Com'r of Public Lands & Buildings & fund used for State Penitentiary. Adds. Ann.S.'03 §9813a-b. 3§ '05 ch.148, 27 Mr
 - e **N. Y.** Com'n to be appointed to inquire as to best method of reconstructing & modernizing state prison buildings; report to Leg. of 1906; \$3000. 3§ '05 ch.718, 3 Je
 - f **Vt.** Directors of State Prison & House of Correction to file quarterly reports as to employment of prisoners. 2§ '04 ch.160, 10 D
- 342 Employees**
- a **Me.** Amdg. R.S.'03 ch.141 §4: night watchman added to list of employees of State Prison. 1§ '05 ch.109, 21 Mr
 - b **Me.** Amdg. R.S.'03 ch.116 §1: salary of commissary of State Prison & night watchman. 1§ '05 ch.140, 22 Mr
 - c **Mo.** Amdg. R.S.'99 §8875: salary of penitentiary turnkey or guard \$780. 1§ '05 p.267, 13 Mr
 - d **Mo.** Amdg. R.S.'99 §8872: salary of penitentiary physician \$2000 [\$1200]. 1§ '05 p.268, 6 Ap
 - e **Or.** Amdg. Ann.C. & S. §3666: salary of assistant warden State Penitentiary \$1200 [\$900]. 1§ '05 ch.81, 15 F
 - f **Pa.** Amdg. '29 ch.204 art.2: warden of State Penitentiary may reside outside grounds; not to be present at inspection unless so requested by officials. 2§ '05 ch.129, 17 Ap
 - g **Vt.** Salary of prison physician \$300. 1§ '04 ch. 166, 9 D
 - h **Wash.** Gov. to appoint chaplain for State Penitentiary; term 2 yrs; salary \$1200. 3§ '05 ch.38, 27 F

343 Reform schools and reformatories**345 Institutions for women and girls**

- a **Cal.** Whittier State School for Girls may contract & pay for care of inmates by charitable or benevolent inst. or with private family. 6§ '05 ch.253, 18 Mr
- b **Ct.** Commitment of girls 16-21 to private correctional inst.; per capita charge to be paid by state as at State Industrial School for Girls. 6§ '05 ch.233, 13 Jl
- c **Id.** State Prison Com'rs may contract with authorities of other state for detention of certain female convicts in penal inst. till completion of separate ward in penitentiary. 6§ '05 p.33, 22 F
- d **Ind.** Amdg. '03 ch.241 §13: appropriating \$235,000 [\$150,000] for erection of Industrial School for Girls. 1§ '05 ch.58, 1 Mr
- e **N. J.** Age of commitment to State Home for Girls raised to 19 [16]. Supplements '00 ch.190. 1§ '05 ch.240, 11 My
- f **Or.** Appropriating \$7000 annually for support & reclamation of wayward girls between 12 & 18. 5§ '05 ch.232, 21 F

346 Reform schools

- a Ari. Bd of Control to manage Territorial Industrial School. 2§
'05 ch.53, 16 Mr
- b Cal. Amdg. '89 ch.108 §16-19 rel. to commitment of minor to Whittier State Reform School; transfer of incorrigible to Preston School of Industry. Adds §16a-c. 11§
'05 ch.84, 7 Mr
- c Fla. Commitment of children under 18 to State Reform School at Mariana; parole; mechanical school to be established & agric. & horticulture to be taught. 13§
'05 ch.17, 5 Je
- d Ga. Establishing Georgia State Reformatory for convicts under 16; organization & government; \$10,000. 26§
'05 p.127, 23 Ag
- e Id. Changing name of Idaho Industrial Reform School to Idaho Industrial Training School. 2§
'05 p.227, 10 Mr
- f Id. Amdg. '03 p.12 §28, 31, 32, & rep. §29-30 rel. to State Industrial Training School: rep. provisions providing for commitment to school of minor from 8-18 accused of msdr., mendicancy, vagrancy or incorrigibility; form of commitment for felony; transportation; place of detention. Adds §42. 6§
'05 p.432, 10 Mr
- g Ill. Amdg. '01 p.67 §3: changing name of Boys Home to St Charles School for Boys. 1§
'05 p.87, 13 My
- h Mich. Amdg. C.L.'97 §2197 rel. to commitment to Industrial School for Boys. 1§
'05 ch.266, 16 Je
- i Minn. Commitment to & management of State Industrial School for Boys & Girls. Rep. '95 ch.153 §2, 4-6. 9§
'05, ch.233, 17 Ap
- j Mon. Amdg. P.C. §1925b rel. to commitment of certain delinquent children to industrial school. 2§
'05 ch.80, 3 Mr
- k N. Y. Amdg. '04 ch.718 §4, 7 rel. to *selection of site* for N. Y. State Training School for Boys; exchange of land with city of N. Y.; report to Leg. 1906 [1905]. 2§
'05 ch.133, 5 Ap
- m S. D. Amdg. Crim.P. §716: Bd of Charities & Corrections may discharge boy or girl from reform school *at any time* [after 1 yr's service] for good behavior. 1§
'05 ch.150, 8 Mr
- n Wash. Amdg. '91 ch.103 §1-2, 7: girl criminal or delinquent 8-18 [16] to be sent to State Reform School till 19 [18]. 3§
'05 ch.19, 15 F
- p W. Va. Amdg. '89 ch.3 §2, 6, 7, 17 rel. to State Reform School: membership of bd of directors; admission; support. 4§
'05 ch.68, 14 F

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Local institutions

- a Or. "An act to provide for fireproof jails." 2§ '05 ch.100, 18 F
- b W. Va. County may unite with city located therein to erect & maintain workhouse for joint use, on $\frac{3}{4}$ vote of electors of both city & county at special election; organization & management. 24§
'05 ch.72, 16 F

349 County and township

- a Ari. Amdg. R.S.'01 §1194: bd of supervisors [of counties of 1st class] may contract for food for county jail. 2§ '05 ch.54, 16 Mr

CRIMINAL LAW CORRECTIONS

- b Cal. Amdg. Pen.C. §1603, 1605 rel. to use of jail in contiguous county. 3§ '05 ch.547, 21 Mr
- c Del. Providing for commitment of certain prisoners in Kent & Sussex county to New Castle county workhouse. 5§ '05 ch. 126, 3 Ap
- d Mass. Employee of jail or house of correction on duty 7 days a week to have 2 days vacation a mo. 1§ '05 ch. 231, 28 Mr
- e N. M. County of 1st class to levy tax not exceeding 3 mills for boarding prisoners. 3§ '05 ch.8, 15 F
- f Pa. City of 1st class committing prisoner to county jail for non-payment of fine for breach of ordinance to pay cost of maintenance. 2§ '05 ch.42, 28 Mr
- g Pa. Amdg. '83 ch.102 §1: salary of jail physician in county of 500,000-800,000 \$2400 [\$1800]; county jailor \$5000 [\$3000]. 3§ '05 ch.224, 2 My
- 350 Municipal
- a Mo. City or town under 10,000 having special charter may issue bonds to build jail. 3§ '05 p.84, 8 Ap
- 352 Discipline. Instruction. Care of sick
- a Cal. Hair of convict for term of 15 days may be cut to uniform length of 1½ in. for sanitary reasons. Adds Pen.C. §1615. 3§ '05 ch.547, 21 Mr
- b Cal. Amdg. Pen.C. §105: escape from State Prison punishable by imprisonment *for not less than 1 yr* [term equal to one being served]. 1§ '05 ch.557, 21 Mr
- c Cal. Amdg. Pen. C. §111 rel. to expense of trial for escape from prison. 1§ '05 ch.575, 22 Mr
- d Ct. Penalty for conveying narcotic, liquor, weapon or means of escape into State Prison & for carrying letters in or out of prison. 4§ '05 ch.46, 12 My
- e Fla. White state prisoners, as far as possible, to be confined & worked in separate camps from colored. '05 p.441, 27 My
- f Fla. Msdr. for officer having prisoners in custody to fasten white & colored prisoners together. 2§ '05 ch.76, 5 Je
- g Kan. Msdr. to give inmate of industrial reformatory tobacco, money or other personal property without consent of sup't. 3§ '05 ch.211, 9 Mr
- h Mass. Amdg. R.L. ch.208 §120 rel. to penalty for injury to property by inmates of certain prisons. 1§ '05 ch.241, 30 Mr
- i Mass. "An act to prohibit conveying drugs & other articles to prisoners." 1§ '05 ch.258, 5 Ap
- j Mass. Bd of Prison Com'rs may establish tubercular hospital. 5§ '05 ch.355, 1 My
- k Wis. Amdg. S.'98 §4495 as to penalty for breaking jail or county workhouse. 1§ '05 ch.130, 29 Ap

353 Commitment. Transportation. Transfer

- a **Mass.** Amdg. R.L. ch.225 § 96 rel. to removal of prisoners to temporary industrial camp. 1§ '05 ch.240, 30 Mr
- b **Mass.** Bd of Prison Com'rs to investigate advisability of amdg. law rel. to commitment of female prisoners convicted of minor offenses. '05 r.47, 13 Ap
- c **Mich.** Amdg. '79 ch.133 §14 rel. to transfer of girl committed to State Industrial Home for Girls, to penal or reformatory inst. 1§ '05 ch.235, 16 Je

354 Convict labor

- a **Ga.** Joint leg. committees of House & Senate to examine convict camps; report to Leg. of 1906. '05 p.1257, 23 Ag
- b **Mass.** Amdg. R.L. ch.225 §29 rel. to employment of prisoners. 1§ '05 ch.244, 30 Mr
- c **Or.** Amdg. Ann. C.&S. §3678 rel. to disposition of proceeds of convict labor. 1§ '05 ch.152, 21 F

355 State account system

- a **Ind.** Abolishing contract labor system in Ind. Reformatory; common & trade schools to be established; products sold to state insts. 10§ '05 ch.107, 4 Mr

356 Contract and lease system

- a **Fla.** Amdg. R.S.'92, §3066 rel. to bonds to be given by contractor leasing state prisoners. 3§ '05 ch.75, 5 Je

357 County and municipal convicts

- a **Ga.** Amdg. '03 p.65 §4 as to disposition of hire of felony convicts by grand jury. 2§ '05 p.125, 23 Ag
- b **N. M.** Certain prisoners to do public work in city or town. 3§ '05 ch.84, 15 Mr

358 Roads

- a **Col.** County on written request to State Penitentiary may secure convicts for road work on payment of charges; convicts so used to receive additional "good time allowance." 4§ '05 ch.86, 11 Ap
- b **Ill.** Prisoners in penal & reformatory inst. to manufacture & supply without charge road-building material on requisition of Highway Com'r. 3§ '05 p.344, 18 My
- c **Me.** Employment of county & town male prisoners on road improvement. 1§ '05 ch.126, 21 Mr
- d **N. M.** Construction of state highway by convict labor. 11§ '05 ch.7, 10 F

359 Disposition of goods

- a **Cal.** Amdg. '93 ch.42 §1-4 rel. to sale of jute goods manufactured in State Prisons. 4§ '05 ch.404, 20 Mr
- b **Ill.** Amdg. '03 p.271 §3, 5-12, 14-16 rel. to disposal of product of convict labor. 12§ '05 p.345, 18 My

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Special industries

- a **Ind.** Amdg. '99 ch.27 §3: prison bd may cultivate with convict labor state land not otherwise employed & cut & sell timber therefrom. 1§ '05 ch.39, 25 F
- b **Kan.** Establishing branch State Penitentiary & Oil Refinery at Peru to be operated by convict labor. '05 ch. 478, 17 F. *Unconst.* Violates Const. art. 11 §8 which forbids Leg. to undertake internal improvements. *State v. Kelly* 81 P.450 (1905).
- c **N. D.** Bd of State Capitol Com'rs may utilize convict labor in construction of Capitol & executive mansion. 1§ '05 ch.167, 1 Mr
- d **S. D.** Twine plant & shirt & overall factory to be established at State Penitentiary for employment of convicts; \$76,000; sale of twine. 12§ '05 ch.172, 3 Mr
- e **S. D.** Submitting amdt. to Const. 1889 art.11 §1: Leg. to impose tax not to exceed 1½ mills on \$1 for support of cordage plant at State Penitentiary during 1907. Vote Nov. 1906. 1§ '05 ch.71
- f **Wis.** Bd of Control to investigate binder twine plants in prisons of other states; report to Leg. of 1907. '05 p.989

361

Criminal insane

- a **Cal.** Amdg. Pen.C. §1368 rel. to exam. into sanity of defendant in criminal trial. 1§ '05 ch.246, 18 Mr
- b **Cal.** Establishing Folsom State Hospital for Criminal Insane; \$40,000. 12§ '05 ch.257, 18 Mr
- c **Cal.** Amdg. Pen.C. §1370, 1372-73 rel. to commitment of criminal insane; retrial after recovery; expenses. 3§ '05 ch.541, 21 Mr
- d **Ind.** If sanity of person convicted of crime is in doubt, jury to decide; commitment to insane hospital; sentence on recovery of sanity. 4§ '05 ch.103, 4 Mr
- e **Me.** Insane convicts: exam.; removal to proper dept.; unreasonable detention. Supplements R.S.'03 ch.138 & rep. R.S.'03 ch. 138 §5. 11§ '05 ch.104, 21 Mr
- f **Mich.** Amdg. '93 ch.124, §19 rel. to commitments of certain insane criminals to State Asylum. 1§ '05 ch.238, 16 Je
- g **N. C.** Person acquitted of murder on ground of insanity may be committed in discretion of trial judge to Hospital for Dangerous Insane. '99 ch.1 §65, 17 F. *Unconst.* Does not give accused notice or opportunity to be heard, thus depriving him of liberty without due process of law. *In re Boyett* 48 S. E. 789 (1904).
- h **N. C.** Person committed to hospital for dangerously insane on judge's order after acquittal for certain crimes on ground of insanity to be released only by act of Leg. '99 ch.1 §67, 17 F. *Unconst.* Deprives courts of power to inquire into legality of restraint. *In re Boyett* 48 S.E. 789 (1904).
- i **Pa.** Establishing State Hospital for Criminal Insane: com'n to select site & erect buildings; \$10,000 for site; \$150,000 toward construction; organization & management; quarterly report to Auditor Gen. & Bd of Public Charities. 13§ '05 ch.247, 11 My

363 System of sentencing and reform

For remission of fines *see* 226

- a Cal. Amdg. Pen.C. §666 rel. to punishment for second offenses. 1§
'05 ch.506, 21 Mr

Capital punishment, *see* 229

366 Commutation of sentence

- a Kan. G.S.'01 §7050 rel. to deductions from sentence for good behavior to apply to convict in penitentiary under indeterminate sentence. 1§
'05 ch.317, 8 Mr

367 Discharge

- a Cal. Rep. Pen.C. §28 rel. to discharge of prisoner or inmate of reform school on Mon. 1§
'05 ch.384, 20 Mr
- a1 Cal. Rep. Pen.C. pt3 t.1 ch.2 rel. to discharge of prisoners before end of term. 1§
'05 ch.480, 21 Mr
- b Ct. Amdg. G.S.'02 §2943 rel. to release of sick prisoner from jail. 1§
'05 ch.39, 5 My
- c Kan. Amdg. '03 ch.375 §6 rel. to discharge of paroled prisoner on warden's report. 2§
'05 ch.318, 9 Mr
- d Mass. Amdg. R.L. ch.225 §137 rel. to support of woman charged with crime in case disposed of without sentence. 1§
'05 ch.235, 30 Mr
- e Pa. Repealing proviso of '60 ch.375 §74 prohibiting imposing of sentences to expire between Nov. 15 & Feb. 15. 2§ '05 ch.3, 28 F
- f Tenn. Convicts on discharge from penitentiary to receive from \$1-\$5. 1§
'05 ch.486, 17 Ap

369 Identification. Records

See also 207

- a Cal. Provision for criminal identification; systems; records. 8§
'05 ch.399, 20 Mr
- b Cal. Warden of State Prison to furnish sheriffs with description & identification marks within 30 days after receiving prisoner. Rep. '97 ch.158. 3§
'05 ch.403, 20 Mr
- c Mass. Taking & preservation of records & description of convicted felons. 2§
'05 ch.459, 25 My
- d N. Y. Amdg. C.C.P. §221: except in county with 1st class city, magistrate to report to district atty. names & addresses of prisoner, informant & witnesses. 1§
'05 ch.267, 21 Ap
- e N. Y. Amdg. '96 ch.440 §2: expenses of indexing & classifying state prisoners not to exceed \$5000 [\$3000] annually. 1§
'05 ch.536, 18 My

370 Indeterminate sentence

- a Mich. Rev. '03 ch.136 rel. to indeterminate sentences. 17§
'05 ch. 184, 7 Je
- b Or. Indeterminate sentence for certain felons; parole; bail; recommitment; pardon & restoration to citizenship. 10§
'05 ch. 187, 21 F

CRIMINAL LAW CORRECTIONS

371 Juvenile offenders

See also 346, Reform schools; 2172, Children

- a Cal. Amdg. Pen.C. §1388 rel. to suspension of judgment in case of minor; commitment to custody of charitable ass'n final judgment of incorrigible; expenses. 1§ '05 ch. 542, 21 Mr
- b Col. Adult responsible for juvenile dependency or neglect guilty of msdr.; Juvenile Court to have jurisdiction; appeals; probation. 6§ '05 ch.81, 10 Ap
- c Ill. Person responsible for juvenile delinquency guilty of msdr.; release on probation. 1§ '05 p.189, 13 My
- d Ind. "An act defining delinquency in children, and providing for punishment of person responsible for, or contributing to, the delinquency or other offenses of child." 3§ '05 ch.145, 6 Mr
- f Mo. Counties of 150,000-500,000 may establish "parental school" for detention of delinquent & dependent children. 7§ '05 p.54, 11 Ap
- g Neb. Msdr. for parent, guardian or other person to contribute to dependency or delinquency of child; court may suspend sentence not exceeding 2 yrs & place on probation; jurisdiction. 2§ '05 ch.195, 21 Mr
- h N. J. Msdr. to contribute to juvenile delinquency. Supplements '03 ch.219. 2§ '05 ch.160, 17 Ap
- i N. Y. Amdg. Pen.C. §12, 699 rel. to juvenile offenders & suspension of sentence. Adds subdiv. 3 to Pen.C. §289, subdiv. 9 to §291. 4§ '05 ch.655, 29 My
- j Okl. Gov. may make 1 yr contract for care of juvenile offenders; persons under 17 convicted of felony or certain misdemeanor subject to act; \$5000 annual appropriation. 7§ '05 ch.23 art.1, 13 Mr
- k Or. Defining "delinquent child"; punishment of adult responsible for delinquency. 3§ '05 ch.171, 21 F
- m Wis. Amdg. S.'98 §4961, 4966: juvenile delinquents from 8-16 [10-18] to be committed to Wisconsin Industrial School for Boys; County Courts of Record may commit; order of commitment. 2§ '05 ch.50, 29 Mr
- n Wis. Penalty for being responsible for or contributing to delinquency of child: suspension of sentence. 1§ '05 ch.444, 19 Je

371(3) Juvenile courts. Juvenile probation

See also 374, Probation

- a Cal. Amdg. '03 ch.43 rel. to dependent & delinquent children; Juvenile Court; procedure; commitment; probation officers. Adds §14-21. 22§ '05 ch.610, 22 Mr
- b Id. Juvenile delinquent law; Probate Courts to have jurisdiction; probation officers; compulsory school attendance; adult delinquency; annual report by court to Gov. 13§ '05 p.106, 2 Mr
- c Ill. Amds. '99 p.131 rel. to Juvenile Courts & probation officers. 8§ '05 p.151, 13 My; '05 p.152, 16 My
- d Ind. Amdg. '03 ch.237 §3 rel. to Juvenile Courts & probation. 1§ '05 ch.45, 27 F

- e **Kan.** Establishing Juvenile Court in each county presided over by probate judge; jurisdiction of children under 16; probation officers; commitment; appeals. 16§ '05 ch.190, 4 Mr
 - f **Mich.** Juvenile dependents & delinquents: courts; probation. 14§ '05 ch.312, 17 Je
 - g **Minn.** Regulating treatment of dependent, neglected & delinquent children; Juvenile Courts; probation; commitment. 14§ '05 ch.285, 19 Ap
 - h **Minn.** Amdg. '99 ch.154 §1, 2, 7 rel. to duties & salary of probation officers for juvenile delinquents. 4§ '05 ch.321, 19 Ap
 - h1 **Mo.** County of 150,000-500,000 to create Juvenile Court; probation officers; place of detention; parental support; disposition & guardianship. Rep. '03 p.213. 24§ '05 p.56, 8 Ap
 - i **Neb.** Regulating care of dependent, neglected & delinquent children: Juvenile Courts; probation officers; supervision by State Bd of Charities & Corrections. 19§ '05 ch.59, 8 Mr
 - j **Or.** Treatment & control of dependent, neglected & delinquent children; Juvenile Courts; probation officers; supervision of children's societies. 17§ '05 ch.80, 15 F
 - k **Tenn.** Juvenile Court law: jurisdiction of delinquents; probation officers; annual report by county clerk to County Court. 12§ '05 ch.516, 17 Ap
 - m **U.** Creating Juvenile Courts in cities of 1st & 2d class; probation officers; jurisdiction; disposition of delinquent child. 12§ '05 ch.117, 16 Mr
 - n **Wash.** Juvenile delinquent law: establishing Juvenile Court in county of 1st or 2d class; commitment. 13§ '05 ch.18, 15 F
 - p **Wash.** Court may suspend sentence of minor convicted of felony or msdr. & release on probation discharging at end of 5 yrs. 2§ '05 ch.24, 17 F
 - q **Wis.** Amdg. '01 ch. 90 §1, 2 rel. to dependent, neglected & delinquent children: act to apply to counties [of 150,000] *containing cities of 1st, 2d & 3d class*; appointment of probation officer in counties of 150,000. 2§ '05 ch.496, 20 Je
- 372 Parole
- a **Ind.** Amdg. '99 ch.15 §2: paroled state prisoner to receive \$5. 1§ '05 ch.114, 4 Mr
 - b **Kan.** Gov. to appoint parole officer for State Penitentiary to assist in enforcing indeterminate sentence & parole laws; salary \$1000. 6§ '05 ch.316, 4 Mr
 - c **N. H.** Amdg. '01 ch.58: prisoner released on parole to be rearrested for violation of its terms; recommittal; notice of parole. 5§ '05 ch.67, 9 Mr
 - e **N. J.** Custody & control of paroled convicts; monthly reports; rearrest. 8§ '05 ch.232, 11 My
 - f **Okl.** Amdg. '97 ch.30 §1: convict sent to penitentiary to receive parole allowed by state where penitentiary situated. 1§ '05 ch.13 art. 4, 15 Mr

CRIMINAL LAW CORRECTIONS

- g Or. Parole & recommitment of convict. 8§ '05 ch.177, 21 F
- h S. D. Parole of convicts. 14§ '05 ch.144, 13 F
- i Tex. Parole of convicts. 7§ '05 ch.28, 21 Mr

373 Pardons

- a N. C. Gov. may grant conditional pardon; rearrest & commitment. 4§ '05 ch.356, 2 Mr
- b N. D. Amdg. '01 ch.34 §4 rel. to date of meetings of Bd of Pardons. 1§ '05 ch.53, 6 Mr
- c Tex. Amdg. & supplementing R.C.S.'95 art. 3582a rel. to Bd of Pardon Advisors: salary \$2000 each [\$4 a day]; record of convicts; duties. 5§ '05 ch.48, 28 Mr
- d Wy. State Bd of Charities & Reform to constitute State Bd of Pardons; to hear applications for clemency & advise Gov.; sec. of bd to report annually to Gov. '05 ch.56, 20 F

374 Probation

See also 371, Juvenile offenders

- a Cal. Amdg. Pen.C. §1203 rel. to inquiry into aggravation or mitigation of punishment; suspension of sentence & revocation of probation. 1§ '05 ch.166, 18 Mr
- b Cal. Amdg. C.C.P. §131 rel. to probation; committees of 7 to inspect inst.; probation officers & deputies. 1§ '05 ch.579, 22 Mr
- c Ct. Amdg. '03 ch.126 rel. to probation officers: duties; compensation; suspension of sentence. 10§ '05 ch.142, 16 Je
- d Me. "An act to provide for appointment of probation officer for county of Cumberland." 8§ '05 private laws, ch.346, 21 Mr
- e Mass. "An act to provide for appointment of female probation officers for Mun. Courts of South Boston & Roxbury districts of Boston." Amds. R.L. ch.217 §81. 1§ '05 ch.295, 13 Ap
- f Mass. Amdg. R.L. ch.220 §1 rel. to suspension of sentence and placing on probation by court in certain instances. 1§ '05 ch.338, 26 Ap
- g Mich. Amdg. '03 ch.91, title & §1 rel. to probation: discharge of reformed respondent. 2§ '05 ch.32, 29 Mr
- h N. J. Amdg. '03 ch.221 §1, 4: magistrate may suspend sentence on conviction for desertion or nonsupport of wife or minor children & place on probation. 2§ '05 ch.203, 28 Ap
- i N. Y. Amdg. C.C.P. §11a, 56, 483, 554 rel. to suspension of sentence & probation officers. 4§ '05 ch. 656, 29 My
- j N. Y. Com'n to be appointed to investigate probation system in the several states; report to Leg. of 1906; \$5000. 7§ '05 ch. 714, 3 Je

374(5) Whipping. Pillory

- a Del. Abolishing standing in pillory as punishment for crime. 1§ '05 ch.213, 20 Mr

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CIVIL LAW

Civil Code and Code of Civil Procedure

377

Property

See also 490, Family property

379

Real property

- a Cal. Amdg. P.C. §3617; "improvement" in P.C. to include alfalfa after 1st yr's planting. 1§ '05 ch.199, 18 Mr
- b Cal. Definition of covenant running with land. Adds C.C. §1468. 1§ '05 ch.450, 21 Mr

381

Tenure. Titles

See also 748, Special actions; 1274 Prescriptive rights (railroads); 2739, Prescriptive rights (roads)

- a Me. Interruption by posted notice of running of prescriptive period for acquisition of easements. Supplements R.S.'03 ch.107 §12. 1§ '05 ch.35, 7 Mr
- b Neb. Quieting title to land platted into lots, blocks, street, alleys & public parks in cities of 2d class under 5000 & certain incorporated villages. 2§ '05 ch 34, 4 Ap
- c N. M. Amdg. C.L.'97 §2938 rel. to adverse possession & prescription of land. 2§ '05 ch.76, 15 Mr
- d N. Y. Amdg. real property law '96 ch.547 §255: recorded conveyance to prove itself after 30 yrs subject to rights of bona fide purchaser for value from same vendor filing deed before end of 30 yrs. 1§ '05 ch.450, 16 My
- e Pa. Where apparent owner has been out of possession 21 yrs & is unknown or address unascertainable, person in possession may quiet title by court order directing ejectment to be brought within 6 mo.; trustee appointed on failure to appear; judgment. 3§ '05 ch.145, 18 Ap
- f Pa. "To quiet title of real estate . . . formerly held by corp. not authorized to hold real estate." 1§ '05 ch.5, 28 F
- g Wis. Determination of water frontage & riparian rights. Adds S.'98 §3153a-e. 5§ '05 ch.234, 22 My
- h Wis. Amdg. S.'98 §2039 as to limitation of power to suspend alienation: real estate for charitable use excepted. 1§ '05 ch.511, 20 Je

382

Eminent domain. Condemnation proceedings

See also 1297, Railways; 1361, Street railways; 1416, Telegraph and telephone; 2026 Mines; 2554, Local finance; 2625, Local improvements; 2640, Electricity and gas; 2640, Water; 2663, Sewerage; 2685, Parks.

- a Cal. Amdg. C.C.P. §1238 rel. to purposes for which eminent domain may be exercised. 1§ '05 ch.477, 21 Mr
- b Ind. Procedure in exercise of power of eminent domain. 12§ '05 ch.48, 27 F

CIVIL LAW PROPERTY

- c Me. "An act rel. to location & assmt. of damages for property taken for public uses." 12§ '05 ch.164, 24 Mr
 - d Minn. Amdg. G.S.'94 §4086, 4089 rel. to procedure in condemning land for state use. 3§ '05 ch.43, 15 Mr
 - e Mo. Procedure in condemning property when not provided for in special city charter. 1§ '05 p.81, 6 Ap
 - f N. M. Appropriation & valuation of property taken for certain public uses. 22§ '05 ch.97, 16 Mr
 - g Or. Procedure in taking property for public use. 2§ '05 ch. 45, 9 F
 - h Wash. Submitting amdt. to Const. 1889 art.1 §16 rel. to eminent domain. Vote Nov. 1906. 4§ '05 ch.65, 4 Mr
 - i Wis. Amdg. S'98 §927 as to condemnation of land for certain public purposes by cities & villages [under special charter] & collection of cost: land may be condemned for parks. 2§ '05 ch.394, 17 Je
- 383 Escheat
- a Nev. Amdg. '97 ch.106 §275 rel. to contest of state claim to realty by escheat; sale by court order; costs & fees. 1§ '05 ch.33, 1 Mr
 - b N. Y. Amdg. public lands law '94 ch.317 §62 rel. to releases of escheated land by Land Office Com'rs. 1§ '05 ch.360, 1 My
- 384 Estates in lands
- a Mo. Calculation of present value of life estate. Rep. '03 p.167. 4§ '05 p.139, 8 Ap
 - b Or. Trustees & executors to hold as joint tenants unless otherwise provided. 3§ '05 ch.140, 21 F
- 385 Partition
- a Cal. Amdg. C.C.P. §1703½ as to care of distributive share of person who can not be found in estate apportioned by judicial decree. 1§ '05 ch. 9, 15 F
 - b Me. Amdg. R.S.'03 ch.90 §16 as to partition between tenants in common one of whom has improved land. 1§ '05 ch.169, 24 Mr
 - c Mo. Amdg. R.S.'99 §4402 rel. to recording of report or judgment in partition suit. 1§ '05 p.267, 6 Ap
 - d Neb. Amdg. C.S.'03 §7321 rel. to proceedings in partition suits: court on entering judgment to appoint from 1-3 referees to effect partition. 2§ '05 ch.178, 4 Ap
 - e N. J. Partition of real estate of which infant of tenant in common with adults to be made by order of Orphans Court; procedure; supplements '98 ch.234. 3§ '05 ch.158, 17 Ap
 - f N. Y. Amdg. C.C.P. §1538 as to parties in partition suit. 2§ '05 ch.662, 31 My
 - g N. C. Judgment creditor may secure partition of lands held by debtor as tenant in common with others; execution against excess over homestead. 3§ '05 ch.429, 4 Mr
 - h Tex. Amdg. R.C.S.'95 art.3611, 3621 rel. to partition of real estate owned jointly; determination of susceptibility of property to partition; private sale. 1§ '05 ch.68, 7 Ap

386

Property lines

- a Cal. County surveyor to replace perishable marks of gov't survey with permanent monuments. 4§ '05 ch.108, 18 Mr
- b Ga. Amdg. C.'95 §3251; processioners remarking tracts of land lying in 2 adjoining districts or counties to make return *within 30 days*. 2§ '05 p.83, 22 Ag
- c N. C. " . . . County surveyors to keep record of surveys of all entries of land . . . record may be read in evidence in any action or proceedings as are other records." 7§ '05 ch.242, 2 Mr
- d N. D. Erection of monuments on section corners of townships to perpetuate U. S. surveys. 6§ '05 ch.180, 7 Mr

387 Fences. Lawful fences

See also 2732, Roads

- a Ct. Amdg. G.S.'02 §4067 rel. to fencing by owner of city lot. 1§ '05 ch.57, 12 My
- b Mon. Defining "lawful fence." Rep. P.C. §3250. 2§ '05 ch.37, 27 F
- c N. M. Amdg. C.L.'97 §1823-24 rel. to lawful fence & fencing district. 3§ '05 ch.55, 13 Mr
- e Or. Amdg. Ann. C. & S. §4348 rel. to "lawful fence" in certain counties. 1§ '05 ch.191, 21 F
- f Or. "Lawful fence" in counties east of Cascade mountains. Rep. Ann. C. & S. §4345. 2§ '05 ch.193, 21 F
- g Pa. Method & procedure in erection of line or partition fence. 3§ '05 ch.118, 14 Ap
- h Wis. Defining legal fences. Adds S.'98 §1390a. 1§ '05 ch.374, 14 Je

388 Wire fences

- a Kan. Owner of land may make partition fence hog-tight with woven wire. 1§ '05 ch.264, 7 Mr
- b Or. Amdg. Ann. C. & S. §4346: wire fence remaining out of repair after 10 days notice to owner to be repaired by county; lien on wire for cost. 1§ '05 ch.147, 21 F

390 Plats. Town sites

- a Id. Town site plats, additions to town, village or city, or subdivisions of outlots to be approved by local authority before accepted for record by county recorder. Amds. '99 p.192 §95-96. 3§ '05 p.70, 20 F
- b Kan. Amdg. G.S.'01 §7894-903 rel. to vacation of town sites, additions, streets, alleys & public reservations by county com'rs. 8§ '05 ch.519, 15 F
- c Mich. Amdg. R.S.'46 ch.14 §100: county surveyor to record survey for township highway & village plat. Rep.'99 ch.195. 2§ '05 ch.79, 1 My
- d Mo. Amdg. R.S.'99 §5659 rel. to approval of city, town or village plats by common council. 1§ '05 p.73, 6 Ap

CIVIL LAW PROPERTY

- e Nev. "An act authorizing owners . . . to lay out & plat land into lots, streets, alleys & public places & providing for approval & filing of maps or plats thereof." 12§ '05 ch. 126, 13 Mr
- f N. D. District Court may correct errors in town, village or city plats; procedure. 4§ '05 ch. 64, 7 Mr
- g Or. Approving & recording plats of towns & additions; vacation; fees. 4§ '05 ch. 146, 21 F
- h Wis. Person platting land in cities except of 1st class, whereby streets, alleys & public grounds are dedicated to public to submit proposed plat to common council & record on approval. 1§ '05 ch. 225, 22 My

391 Rights of aliens

- a Ind. Realty of alien in excess of 320 acres to escheat to state if held more than 5 yrs; same rights as citizen in less amount. 3§ '05 ch. 130, 6 Mr

392 Conveyance

See also 405, Mortgages; 447, Guardianship; 490, Family property; 512, Corporations; 835, Tax on deeds

- a Cal. Person who has changed name since acquiring realty must use former name in conveyance. Adds C.C. §1096. 1§ '05 ch. 443, 21 Mr
- b N. Y. Amdg. real property law '96 ch. 547. §240: "conveyance" includes instrument postponing or subordinating mortgage lien. 1§ '05 ch. 449, 16 My
- c Tenn. Registration of certified copies of power of attorney to sell land lying in several counties. 1§ '05 ch. 112, 30 Mr

393 Acknowledgments

Including commissioner of deeds

- a Cal. Amdg. C.C. §1181, 1185, 1190, 1202-3 rel. to acknowledgment of written instrument. 5§ '05 ch. 445, 21 Mr
- b Ct. Amdg. G.S.'02 §4029: U. S. agent in foreign country may acknowledge conveyance of land. 1§ '05 ch. 63, 12 My
- c Fla. Amdg. R.S.'92 §1973: U. S. com'r may acknowledge within state instruments concerning real estate. 2§ '05 ch. 33, 19 My
- d Ga. Amdg. '99 p. 79 §1: official acknowledgment of officer prima facie evidence of authority; proviso. 2§ '05 p. 103, 22 Ag
- e Ill. Amdg. R.S.'74 ch. 95 §2-3 rel. to acknowledgment of mortgage. 2§ '05 p. 331, 13 My
- f Kan. Amdg. G.S.'01 §4273: notary who is employee or stockholder in corp. may take its acknowledgment. 3§ '05 ch. 311, 4 Mr
- g N. C. Amdg. '99 ch. 235 §7: where clerk of Superior Court is party to deed acknowledgment may be made before justice of peace. 1§ '05 ch. 414, 4 Mr
- h S. D. Officer of corp. may acknowledge deed under authority of charter, bylaws, consent of stockholders or vote of bd of directors. 4§ '05 ch. 1, 10 Mr
- i Wis. Amdg. S.'98 §182: Gov. may appoint com'rs of deeds in foreign countries. 1§ '05 ch. 201, 12 My
- j Wy. Amdg. R.S.'99 §4295; U. S. com'r may administer oaths. 1§ '05 ch. 23, 10 F

- k Wy. Amdg. R.S.'99 §2741: deed may be acknowledged before U.S. com'r. 1§ '05 ch 24, 10 F

394 Contract for sale of land

- a Col. Amdg. '03 ch.181 §70a, 70c-e rel. to specific performance of executory contract for sale of real estate after death of vendor. 4§ '05 ch.144, 10 Ap
b Wash. Amdg. Ballinger's Ann.C.& S.'97 §4576: agreement employing agent to buy or sell real estate void unless written. 1§ '05 ch.58, 3 Mr

396 Record

See also 1797, Title insurance; 2497, County records; 2522(5), Recorder

- a Cal. Certified copy of recorded instrument affecting title to realty may be recorded in any county. Adds C.C. §1218. 1§ '05 ch.446, 21 Mr
b Ga. Extending term of com'n appointed by '03 p.689; to investigate registration of land titles, to report to Leg. of 1906. '05 p.1256, 23 Ag
c Ind. County recorder to register satisfaction, cancellation or assignment made on margin of record on file in his office; penalty. 2§ '05 ch.9, 15 F
d Me. Registration of eminent domain proceedings. 1§ '05 ch.34, 7 Mr
e Me. Amdg. R.S.'03 ch.11 §16 as to recording of plans. 1§ '05 ch.125, 21 Mr
f Me. Indexing of registered deeds & filing of plans of land plotted for sale & of plans made in settlement of disputed line or of estate. Amds. R.S.'03 ch.11 §15. 3§ '05 ch.139, 22 Mr
g Mass. Amdg. R.L. ch.128 §1 & 18: registration of certain easements by Land Court. 5§ '05 ch.249, 31 Mr
h Mass. Amdg. R.L. ch.128 §62 ¶3: purchaser at foreclosure of mortgage under power of sale clause may register deed *without delivering owners duplicate certificate to register*; exceptions. 2§ '05 ch.296, 13 Ap
i Minn. County under 75,000 may have tract index transcribed & verified at cost of 2c an entry. 2§ '05 ch.51, 21 Mr
j Minn. Registration of land titles in counties of 75,000. Rep.'01 ch.237; '03 ch.87. 82§ '05 ch.305, 19 Ap
k Minn. County register of deeds to transcribe sheriffs' certificates of foreclosure & judgment sales filed prior to May 10, 1862. 3§ '05 ch.329, 19 Ap
m N. C. Amdg. '85 ch.147 §2: deed executed prior to 1855 offered for record to be accompanied by affidavit that affiant believes it bona fide. 1§ '05 ch.277, 23 F
n N. C. Survey to be filed with grant; record may be read in evidence; Sec. of State to supply forms. 3§ '05 ch.243, 2 Mr
p N. D. Amdg. R.C.'99 §3563 rel. to recording of instruments in office of register of deeds: contracts for sale of school lands; patents & receiver's receipts from U. S. Land Offices. 1§ '05 ch.159, 13 Mr

CIVIL LAW PROPERTY

- q Or. Misc. amdts. to Ann. C. & S. §5399-5500 rel. to registration of titles to real property. 14§ '05 ch.169, 21 F
- r Tex. Lis pendens record: filing to constitute notice to purchaser. 4§ '05 ch.128, 15 Ap
- s U. Amdg. '99 ch.43 §2 rel. to filing of present ownership maps. 1§ '05 ch.56, 9 Mr
- t U. Allowing 1 yr for filing of claims under town site law R.S.'98 t.69 where owners have neglected to meet its requirements. 1§ '05 ch.100, 9 Mr
- u Wis. Amdg. S.'98 §762: county of 250,000 may adopt system of chain of title indexes & require county officers to report to register of deeds. 2§ '05 ch.239, 24 My

397 Abstracts

- a Minn. Abstract taken before loss or destruction of title deeds admissible as evidence; sworn copies. 2§ '05 ch.193, 15 Ap
- b N. D. Amdg. R.C.'99 §1774 as to required business equipment of abstractor of titles. 1§ '05 ch.2, 9 Mr

398 Torrens system

- a Mass. "An act rel. to compensation of masters & examiners in Land Court." 1§ '05 ch.195, 17 Mr

400

Personal property

- a Cal. Amdg. C.C. §1865, 1871 rel. to rights & duties of finder or saver of property. 2§ '05 ch.453, 21 Mr
- b Neb. Prohibiting publishing of excess copies of any publication without consent; penalty \$50-\$500 & liability for damages. 2§ '05 ch.202, 25 Mr

403 Dramatic or musical compositions

- a Cal. Msdr. to produce or publish play or opera without owner's consent. Adds Pen.C. §367a. 1§ '05 ch.276, 18 Mr
- b Ct. Penalty for unauthorized performance of certain musical & dramatic compositions. 2§ '05 ch.130, 7 Je
- c Mich. Msdr. to perform unpublished, uncopyrighted dramatic or musical production without consent of owner. 2§ '05 ch.268, 16 Je
- d Minn. Msdr. to publish or produce opera without owner's consent. 1§ '05 ch. 40, 15 Mr
- e Wis. Msdr. to sell copy of or perform unpublished or undicated dramatic play or opera without written consent of owner. 1§ '05 ch. 281, 1 Je

405

Liens and mortgages

- a N. H. Discharge of satisfied mortgage to be given & recorded. '05 ch. 37, 28 F
- b N. Y. Amdg. lien law '97 ch.418 §9 subdiv. 1. rel. to contents of notice of lien. 1§ '05 ch.96, 24 Mr

406

Foreclosure. Redemption

- a Cal. Amdg. C.C. §2903, 2913 rel. to redemption of property subject to lien; subrogation against holders of other interests; voluntary surrender. 2§ '05 ch.459, 21 Mr
- b Minn. Amdg. G.S.'94 §6029, 6033 rel. to foreclosure proceedings of mortgage with power of sale clause. 2§ '05 ch.136, 11 Ap
- c N. Y. Amdg. C.C.P. §2388 subdiv. 4 rel. to notice of foreclosure of mortgage under power of sale clause. 1§ '05 ch.433, 16 My
- d N. C. Amdg. '01 ch.186 §1: executor of mortgagee or of trustee of mortgage may renounce right to foreclose; appointment of trustee to execute. 2§ '05 ch.128, 7 F

407

Real property. Mortgages and trust deeds

See also 1279, Railways

- a Wis. Amdg. S.'98 §2256: penalty for failure to discharge mortgage after performance of mortgage & to record assignments. 1§ '05 ch.156, 3 My

409

Discharge

- a Cal. Satisfaction to be entered on recorded mortgage after foreclosure. Adds C.C.P. §675a. 2§ '05 ch.269, 18 Mr
- c Mo. Amdg. R.S.'99 §4358 as to cancelation of interest-bearing coupon note given to secure mortgage or deed of trust. 1§ '05 p.239, 8 Ap
- d Mo. Amdg. R.S.'99 §4360 rel. to partial release of mortgage or trust deed. 1§ '05 p.238, 10 Ap
- e Mon. Amdg. C.C. §3848 as to contents of satisfaction piece when executed by other than mortgagee. 2§ '05 ch.34, 25 F
- f N. D. Amdg. R.C.'99 §4719: form of certificate of satisfaction of real estate mortgage. 2§ '05 ch.154, 9Mr

410

Foreclosure. Redemption

See also 736, Judicial sales; 829, Tax sales

- a Col. Foreclosure of mortgage or deed of trust after death or insanity of owner; procedure. 4§ '05 ch.124, 10 Ap
- b Ct. Amdg. G.S.'02 §545: foreclosure suit to [may] be brought where land situated [or where parties reside]. 1§ '05 ch.82, 19 My
- c Me. Amdg. R.S.'03 ch.92 §3 ¶3 as to certificate of mortgagee's entry to foreclosure. 1§ '05 ch.95, 21Mr
- d N. H. Amdg. '99 ch.19 §3 as to publication of notice of sale under power of sale mortgage. 1§ '05 ch.2, 1 F

411

Record

- a Kan. Formal defect in release or assignment of mortgage cured 5 yrs after recording; 1 yr allowed to challenge releases already filed for that period. 2§ '05 ch.301, 18 F
- b Me. Amdg. R.S.'03 ch.93 §39: filing certificates of liens on real property with registry of county or district. 1§ '05 ch.4, 9 F

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Personal property

- a Cal. Amdg. C.C. §2955 rel. to personal property which may be mortgaged. 1§ '05 ch.40, 3 Mr
- b Cal. Irregular mortgage of personalty valid between original parties, their heirs, legatees & personal representatives or purchasers with actual notice. Adds C.C. §2973. 1§ '05 ch.460, 21 Mr
- c Id. Amdg. R.S.'87 §3391 rel. to foreclosure of mortgage on personal property: sheriff of county or constable of precinct to seize property. 2§ '05 p.129, 11 Mr
- d Okl. Amdg. S. '03 §2649: felony to remove beyond county limits mortgaged property without consent of mortgagee; penalty. 1§ '05 ch.13 art.9, 4 Mr

414

Chattel mortgages

- a Mo. Amdg. R.S.'99 §3406: chattel mortgage to be delivered to holder of note when satisfied. 1§ '05 p.157, 21 F
- a1 Mo. Amdg. R.S.'99 §3407: recorder to note & destroy mortgage or trust deed on file for 5 yrs. 1§ '05 p.239, 2 Mr
- b Mon. Amdg. C.C. §3866 rel. to renewal of chattel mortgage. 1§ '05 ch.47, 28 F
- c Mon. Amdg. Pen.C. §939: *larceny* [msdr.] to remove certain mortgaged personalty from county [place] to deprive mortgagee of his claim. 2§ '05 ch.72, 3 Mr
- d N. D. Amdg. R.C.'99 §5887: chattel mortgage to be foreclosed on day specified in notice [Saturday]. '05 ch.61, 17 F
- e N. D. Amdg. R.C.'99 §4737 requiring chattel mortgages to be renewed every 3 yrs: mortgages of street car, telephone or telegraph co excepted. 1§ '05 ch. 60, 13 Mr

415

Conditional sales

See also 1271, Railroads; 1341, Street railways

- a Ct. Amdg. G.S.'02 §4864 rel. to conditional sales of personal property: phonograph & supplies excepted. 1§ '05 ch.113, 6 Je
- b Minn. Amdg. '97 ch.292 §19: recorded note of conditional sale to be constructive notice of facts for 6 [1] yrs from date when last installment falls due. 1§ '05 ch.178, 15 Ap
- c Neb. Vendee having paid $\frac{1}{3}$ price on conditional sale may by paying balance within 20 days redeem property taken by vendor. 2§ '05 ch.79, 1 Ap
- d N. Y. Rep. §115 of lien law '97 ch.418 which excepted certain articles from requirement that conditional sale contracts are to be filed. 1§ '05 ch.503, 17 My
- e Wash. Msdr. to sell, destroy or remove from county personal property on which vendor has lien for purchase price. 1§ '05 ch.42, 27 F

419 Mechanics liens; labor and materials

- a **Minn.** Carrier, bailee, one who cares for domestic animal, & artisan to have lien on personal property handled & right of detainer for charges; sale. Rep. G.S.'94 §6247-48. 6§ '05 ch.328, 19 Ap
- b **N. H.** Amdg. P.S. ch.141 §10 as to mechanics lien on buildings. 1§ '05 ch.41, 8 Mr
- c **N. J.** Amdg. '98 ch.226 §3: subcontractor allowed mechanics lien. 1§ '05 ch.166, 17 Ap
- d **N. J.** Reference to settle disputed account & priority in proceedings to establish mechanics lien. Supplements '98 ch.226. 2§ '05 ch.205, 28 Ap
- e **N. J.** Amdg. '98 ch.226 §26 rel. to enforcement of mechanics lien on death of owner or mortgagee. 1§ '05 ch.231, 11 My
- f **N. D.** Amdg. R.C.'99 §4796 relating to mechanics liens: filing fee & \$5 for drawing lien not to be allowed as costs. Rep. §4795. 2§ '05 ch.130, 24 F
- g **N. D.** Penalty for failure to file satisfaction of mechanics lien. 3§ '05 ch.131, 9 Mr
- h **Okl.** Amdg. S.'03 §4817, 4819 rel. to liens for labor & material; lien on homestead; subcontractor's lien. 3§ '05 ch.28 art.1, 13 Mr
- i **Pa.** Amdg. '01 ch.240 §11, 32 rel. to contents of notice of mechanics lien. 2§ '05 ch.126, 17 Ap
- j **Wash.** "An act creating & providing for enforcement of liens for labor & material" giving lien for "provisions" furnished to contractor. '93 ch.24 §1, 21F. *Unconst.* Subject not included in title. *Armour & Co. v. Western Construction Co.* 78 P.1106 (1905).
- k **Wash.** Amdg. '93 ch.24 §1-2 rel. to mechanics lien on materials & land for improvement of property. 2§ '05 ch.116, 9 Mr

420 Preference of wage lien

- a **Tenn.** Amdg. '57 ch.78 §1: employees & day laborers of individuals engaged in *mercantile* business to have 1st lien on merchandise. 1§ '05 ch.414, 15 Ap

421 Special mechanics and other liens

See also 595, Practice of law

- a **Cal.** Lien of thresher, logger or owner of breed bull or stallion; procedure. Adds C.C. §3061-65. 5§ '05 ch.461, 21 Mr
- b **Cal.** Procedure to enforce lien on animal acquired in prevention of cruelty to same. Adds C.C.P. §1208. 1§ '05 ch.472, 21 Mr
- c **Id.** Lien for service of sire; pedigrees. 8§ '05 p.232, 10 Mr
- d **Me.** Amdg. R.S.'03 ch.93 §60 rel. to liens on monumental work. 1§ '05 ch.43, 8 Mr
- e **Me.** Lien on vehicles. Supplements R.S.'03 ch.93. 5§ '05 ch.57, 15 Mr
- f **Me.** Amdg. R.S.'03 ch.93 §31: mechanics lien on building, wharf or pier dissolved unless filed within 60 [40] days. 1§ '05 ch.110, 21 Mr

- g Mich.** Rev. '87 ch.280 rel. to lien on foal of stallion in breeding. 5§ '05 ch.166, 6 Je
- h Neb.** Warehouseman to have lien on personal property consigned to him; to be foreclosed as chattel mortgage; purchase of property by consignee. Adds §11600a to Ann.S.'03. 1§ '05 ch.163, 3 Ap
- i N. H.** Lien on colt for service of stallion. 2§ '05 ch.33, 23 F
- j N. H.** Amdg. P.S. ch.141 §11: brickmaker or one supplying fuel has lien on bricks & fuel for 90 days, enforceable by attachment. 1§ '05 ch.54, 9 Mr
- k Okl.** Contractors & subcontractors furnishing labor or material for developing oil & gas wells to have preferred lien. 4§ '05 ch.28 art.5, 15 Mr
- m Tenn.** Amdg. '57 ch.52 §1: extending time within which landlord & furnishers liens may be enforced. 2§ '05 ch.32, 26 Ja
- n Tenn.** Bank, trust co. or individual may advance money on tobacco in storage; lien to be debt against purchaser for 6 yrs; form of note; record. 6§ '05 ch.6, 3 F
- p Tex.** Amdg. R.C.S. art. 3335-36 rel. to liens on progeny of live stock. Rep. R.C.S. art.3337-39. 3§ '05 ch.20, 15 Mr
- q U.** Liability of public corp. to subcontractor, laborer or material man on public work. 1§ '05 ch.87, 9 Mr
- r Wash.** Filing & enforcement of mechanics lien by blacksmith, machinist, wagon or boiler maker. 5§ '05 ch.72, 6 Mr
- s Wis.** "An act to provide for liens upon horses & other animals for cost of shoeing same." 13§ '05 ch.260, 25 My

Landlord and tenant

- a Ala.** Msdr. for employee or lessee abandoning written contract to make similar agreement with other party. '01 p.131, 1 Mr. *Unconst.* Abridges right to contract in manner not within police power. *Toney v. State.* 37 S. 332 (1904).
- b Cal.** Amdg. C.C.P. §1161 rel. to unlawful detainer of property by tenant. 1§ '05 ch.35, 28 F
- c Cal.** Amdg. C.C. §822 rel. to remedy of lessor against assignee of lessee. 1§ '05 ch.439, 21 Mr
- d Ct.** Amdg. G.S.'02 §1078 as to service of notice to quit premises on nonresident lessee. 1§ '05 ch.177, 29 Je
- e Fla.** Tenancies at will; unwritten lease of lands & tenements; rent payment determines term of tenancy; termination; tenancy at sufferance. 5§ '05 ch.70, 19 My
- f Ill.** Subject to distraint for rent tenant may remove fixtures erected by himself. Adds §35 to R.S. '74 ch.80. 1§ '05 p.307, 13 My
- g Kan.** Amdg. G.S.'01 §3852, 3854 rel. to notice to quit for nonpayment of rent. 3§ '05 ch.280, 25 F
- h Kan.** Amdg. G.S.'01 §3849: tenancy from year to year may be terminated by 30 days [3 mo.] written notice. 2§ '05 ch.281, 7 Mr
- i Kan.** Lessee of forfeited lease to have it released from record; suit to discharge. 1§ '05 ch.314, 9 Mr

- j N. H. Amdg. P.S. ch.246 §4: demand for rent to constitute a forfeiture must be written; tenant may relieve before expiration of notice by tender of rent & \$5 damages. 1§ '05 ch.57, 9 Mr
- k N. J. Owner leasing property through agent to have all rights to terminate lease which agent might exercise; unlawful detainer; procedure to enforce. Supplements '98 ch. 228. 6§ '05 ch.253, 2 Je
- m N. C. Msdr. for tenant to abandon crop after receiving advances or for one to employ him after desertion or for landlord to break contract to furnish advances; applies in 39 counties. 6§ '05 ch.297, 24 F; '05 ch.383, 4 Mr
- n Pa. 30 days notice by landlord required to terminate lease under 1 yr or of indeterminate length. 3§ '05 ch.62, 31 Mr

423

Succession

See also 492, Dower, curtesy

- a Mich. Persons living in bigamous relations not to inherit property. 2§ '05 ch.327, 20 Je
- b Tenn. Person feloniously killing another or conspiring to procure same not to inherit property of deceased. 2§ '05 ch.11, 30 Ja

424

Descent

- a Cal. Amdg. C.C. §1310: on death of legatee before testator, lineal descendants take. 1§ '05 ch. 155, 18 Mr
- b Kan. On death of beneficiary before insured, insurance to belong to latter's estate. 2§ '05 ch.271, 9 Mr
- c Mich. Amdg. R.S.'46 ch.70 §1 rel. to distribution of estate of intestate. 1§ '05 ch.331, 20 Je
- d N. H. Amdg. P.S. ch.196 §4: bastards and their issue shall be heirs of the mother *and her kindred*. 1§ '05 ch.4, 2 F
- e N. H. Amdg. '01 ch.113 §1 as to share of widow, if personal estate does not exceed \$3000. 2§ '05 ch.14, 9 F
- f N. J. Amdg. '77 ch.125 §1: heirs of deceased mother of bastard to inherit latter's realty in case of intestacy; saving clause in favor of vested interests & pending escheat proceedings. 1§ '05 ch.114, 6 Ap
- g N. J. Amdg. '98 ch.234 §169 subdiv.6: personalty of intestate motherless bastard to be distributed among her next of kin. 1§ '05 ch.115, 6 Ap
- h N. J. Amdg. S.'46 p.337 §6 rel. to descent of real property. 2§ '05 ch.195, 28 Ap
- i N. J. Bastard whose parents have married & recognized him to inherit personalty or intestacy of survivor. Supplements '98 ch. 234. 1§ '05 ch.247, 25 My
- j N. Y. Amdg. C.C.P. §2732 subdiv.12: in succession of personalty no representation to be admitted among collaterals after brothers' and sisters' descendants [in same manner as with realty]. 2§ '05 ch.539, 18 My

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- k** Or. Amdg. Ann. C.& S. §5577 ¶6 as to descent & distribution from minor leaving neither husband, wife or child. 7§ '05 ch.184, 21 F
- m** Vt. In default of issue, widow residing with husband dying intestate may take household effects in addition to distributive share. 1§ '04 ch.68, 30 N

425

Devises

- a** U. Amdg. R.S.'98 §2754 rel. to effect of marriage with or without birth of issue, on prior will of decedent. 1§ '05 ch.17, 24 F
- b** Wis. Amdg. S.'98 §2284-85 rel. to devises to husband or wife of subscribing witness. 2§ '05 ch.128, 29 Ap

426

Administration of estates

See also 836, Inheritance taxes; 1698, Trust companies

- a** Ct. Amdg. G.S.'02 §252: Court of Probate in district or selectmen of town where estate of nonresident missing person is situated may appoint trustee for estate; trustee may use property for support of family. 1§ '05 ch.86, 24 My

429

Probate procedure

- a** Cal. Amdg. C.C. §1275-76, 1285, 1300, 1306-7, 1327, 1364, 1376 rel. to execution of will: effect of marriage & birth of issue; interpretation; purchase from heir; capacity to take by will. 9§ '05 ch.448, 21 Mr
- a1** Id. Practice and procedure in Probate Courts same as in Justices Courts. Rep. R.S.'87 §4629. 2§ '05 p.28, 2F
- b** Me. Beneficiaries under will to be notified by register of Probate Court; copies of will; fees. 2§ '05 ch.89, 18 Mr
- c** Mass. Amdg. R.L. ch.136 §1: petition in Probate Court to be verified by at least 1 petitioner. 1§ '05 ch.90, 21 F
- d** Mass. Amdg. R.L. ch.162 §47 rel. to publication of certain probate notices. 1§ '05 ch.229, 28 Mr
- e** N. H. Amdg. P.S. ch.182 §8 as to place of probate of will & granting of administration. 1§ '05 ch.8, 8 F
- f** N. D. Amdg. R.C.'99 §6188-91: transfer of probate cases from County Court to adjoining county or disqualification of county judge; not to affect right to administer; retransfer. 4§ '05 ch.90, 23 F
- g** Okl. In county of 40,000 or county with city of 12,000 jury procedure in Probate Court same as in District Court; appeals to Supreme Court; stenographer; salary of probate judge, \$2000 from fees. 6§ '05 ch.12, art.3
- h** Tenn. Practice in Chancery Courts: Appellate Courts to consider evidence objected to & rulings of chancellor without requiring bill of exceptions. 2§ '05 ch.49, 18 Ja
- i** Tenn. Amdg. C.'96 §6160 as to cases when judgment pro confesso may be taken in default in Court of Chancery. 1§ '05 ch.472, 17 Ap

- j Wis. Amdg. S.'98 §2443: County Court to have jurisdiction over construction of wills; notice of petition for construction of will. Adds §3791a. 2§ '05 ch.163, 3 My
- 430 Probate courts and officers
- a Ill. Jurisdiction of Probate Court over testamentary trust. 6§ '05 p.186, 5 My
- b Ill. Amdg. '77 p.79 §6 rel. to term of Probate Court. 2§ '05 p.188, 13 My
- c Kan. Submitting amdt. to Const. 1859 art.3 §8: Leg. may provide for appointment of judge pro tem in absence or disability of probate judge: probate judge may receive salary & clerk. Vote Nov. 1906. 2§ '05 ch.544, 22 F
- d Me. Amdg. R.S.'03 ch.65 §6: probate judges may interchange. 1§ '05 ch.9, 14 F
- e Me. Salary of register of probate. 1§ '05 ch.151, 24 Mr
- f Me. Salary of judge of probate. 1§ '05 ch.165, 24 Mr
- g Mass. "An act to provide for performance of duties of judge of probate & insolvency absent from cause other than sickness or interest." 1§ '05 ch.92, 21 F
- h Mich. Amdg. R.S.'46 ch.33 §6 rel. to jurisdiction of probate judge. 1§ '05 ch.271, 16 Je
- i Minn. In county over 35,000 com'rs may supply probate judge with clerical assistance to amount of \$900 a yr where not provided for by law. 3§ '05 ch.81, 30 Mr
- j Mo. Amdg. R.S.'99 §3240 rel. to fees of probate judge. 1§ '05 p.155, 1 Ap
- m N. J. Rep. sundry acts rel. to Orphans Court. 2§ '05 ch.153, 17 Ap
- n Tenn. Amdg. '03 ch.248 §1, 4 rel. to trial of causes by chancellor. 4§ '05 ch.427, 14 Ap
- p U. Amdg. '99 ch.72 §9 as to stenographers fees in probate matters. 1§ '05 ch.50, 8 Mr
- 431 Probate of wills
- a Cal. Amdg. C.C.P. §1308: witness to will not residing in county of probate may make deposition based on photographic copy. 1§ '05 ch.261, 18 Mr
- c Kan. Amdg. G.S.'68 ch.117 §12 rel. to taking testimony of subscribing witness to will. 3§ '05 ch.526, 4 Mr
- d N. Y. Amdg. C.C.P. §2615: executor named in will must be cited on petition to propound. 1§ '05 ch.438, 16 My
- e Pa. Will of person presumed to be dead owing to 7 yrs unexplained absence may be probated; procedure. Supplements '85 ch. 122. 3§ '05 ch.112, 14 Ap
- 432 Contest of wills
- a N. J. Amdg. '98 ch.234 §22 rel. to allowance for support of widow & children during suit to contest probate of will. 1§ '05 ch.156, 17 Ap

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- b Pa. "Authorizing appeals to Orphans Courts from decisions of registers of wills, granting issues in case of contested wills." 2§
'05 ch.4, 28 F

433 Foreign wills

- a Col. Amdg. '03 ch.181 §36 rel. to probate of foreign wills. 1§
'05 ch.143, 25 Mr
- b Or. Amdg. Ann.C.& S. §5562 as to proof of copy of will filed but not probated in foreign jurisdiction. 1§ '05 ch.153, 21 F
- c Vt. Amdg. S. §2367 as to filing of authenticated copy of foreign will retained by notary. 1§ '04 ch.67, 8 D

435

Probate bonds

- a Ct. Giving new probate bond. 1§ '05 ch.83, 19 My
- b Vt. Amdg. & supplementing S. §2623-24 as to bonds filed in Probate Court. 4§ '04 ch.71, 29 N

440

Administration

- a Neb. County Court may dispense with administration of estate of intestate when unincumbered & not liable for debts of decedent; proceedings. 5§ '05 ch.63, 1 Ap
- b N. J. Rep. sundry acts rel. to executors & administration of estates. 2§ '05 ch.155, 17 Ap

441

Administrators and executors

- a Ari. Amdg. R.S.'01 §1826 rel. to action by or against executor or administrator. 2§ '05 ch.37, 16 Mr
- b Cal. Personal representative of deceased executor or administrator to account in his stead. Adds C.C.P. §1639. 1§
'05 ch.235, 18 Mr
- c Cal. Amdg. C.C.P. §1618 rel. to fees of executors, administrators & their attys. Adds §1619. 3§ '05 ch.561, 22 Mr
- d Cal. Amdg. C.C.P. §1616 rel. to fees of executors, administrators and their attys. 1§ '05 ch.577, 22 Mr
- e Ct. Amdg. G.S.'02 §301 rel. to appointment of administrator with will annexed. Rep. §304. 3§ '05 ch.123, 6 Je
- f Ct. Hearing on application to Probate Court for ancillary letters. 1§ '05 ch.152, 21 Je
- g Ct. Penalty for failure to file inventory of estate by executor, administrator or trustee. 1§ '05 ch.217, 6 Jl
- h Ill. Amdg. '72 p.77 §6 rel. to form of oath of executor or administrator. 1§ '05 p.2, 11 My
- i Ill. Amdg. '72 p.77 §18 rel. to right to letters of administration. 1§
'05 p.2, 12 My
- j Minn. Amdg. '89 ch.46 §251: personal representative to furnish bond in double amount of claims against estate. 1§ '05 ch.21, 2 Mr
- k Minn. Amdg. '03 ch.195 §1 rel. to discharge of executor or administrator. 1§ '05 ch.332, 19 Ap

- m Mon. Amdg. C.C.P. §2776 rel. to compensation of executors. 2§
'05 ch.4, 2 F
- n N. Y. Amdg. C.C.P. §2730: if *gross* [net] amount of decedents real estate exceeds \$100,000 executors up to number of 3 may receive full commission. 1§
'05 ch.328, 25 Ap
- p N. Y. Amdg. C.C.P. §2704 as to authentication of letters of administration granted in other state, to secure recording. 1§
'05 ch.347, 26 Ap
- q N. C. Executor of executor not to act as executor of first testator. 1§
'05 ch.286, 23 F
- r Or. Amdg. Ann. C. & S. §1176 as to additional bonds from executor or administrator on sale of decedent's real estate. 1§
'05 ch.173, 21 F
- s Wis. Granting of letters testamentary or of administration without formal notice. 1§
'05 ch.336, 10 Je

Management and settlement

- a Cal. Amdg. C.C.P. §1597-607 rel. to completion by executor or administrator of decedent's contract for sale of property. 11§
'05 ch.80, 7 Mr
- b Cal. Amdg. C.C.P. §1669: before decreeing distribution court must be satisfied that [personal] property & *inheritance* taxes have been paid. 1§
'05 ch.85, 7 Mr
- c Cal. On application for sale of decedent's real property court may order sale of personalty. Rep. C.C.P. §1639; adds §1527. 2§
'05 ch.267, 18 Mr
- d Cal. Amdg. C.C. §1386, 1388, 1395, 1399, 1405-6 rel. to distribution of intestate's estate. Adds §1409. 7§
'05 ch.449, 21 Mr
- e Ct. Amdg. G.S.'02 §323: choses in action in inventory of decedent's estate not to be appraised. 1§
'05 ch.4, 30 Mr
- f Ct. Amdg. G.S.'02 §326 rel. to notice to creditors to present claims against estate of nonresident deceased. 1§
'05 ch.136, 15 Je
- g Ct. Inventory of estate in settlement. Rep. G.S.'02 §324. 3§
'05, ch.160, 21 Je
- h Ct. Mortgage of decedent's estate by administrator or executor: sale or mortgage of real estate free of dower. Amds. G.S.'02 §354. 3§
'05 ch.169, 21 Je
- i Ct. Claims against executor or administrator. 1§
'05 ch.240, 18 Jl
- j Id. Amdg. C. §4143 as to enforcement of mortgage or lien against estate. 1§
'05 p.82, 21 F
- k Ind. Procedure to secure administration of decedent's real property or free it from claims of creditors. 5§
'05 ch.36, 25 F
- m Mass. Amdg. '03 ch.260 §1 rel. to sale of real estate by public administrator. 2§
'05 ch.124, 3 Mr
- n Mass. Amdg. R.L. ch.140 §3 as to satisfaction of intestate share of surviving husband or wife by sale of real estate of deceased. 1§
'05 ch.256, 5 Ap

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- p** Mich. Amdg. R.S.'46, ch.70 §6: administrator of decedent's estate may prosecute or be proceeded against in personal surviving actions. 1§ '05 ch.241, 16 Je
- q** Mich. Amdg. R.S.'46 ch.77 §56 rel. to licensing of executor, administrator or guardian to sell real estate for payment of debts. 1§ '05 ch.261, 16 Je
- r** Mich. Amdg. R.S.'46 ch. 71 §16, 17 rel. to bringing action by executor or administrator to recover property fraudulently conveyed by decedent, on order of creditor; creditor may sue on failure of administrator or executor to prosecute. 2§ '05 ch.326, 20 Je
- s** Minn. Amdg. '89 ch.46 §121: Probate Court may appoint trustee to preserve legacy contingent on legatee living to certain age. 1§ '05 ch.234, 17 Ap
- t** Nev. Amdg. '97 ch.106 §124: when personalty of decedent is insufficient to pay debts court may order lease or sale of mining claim. 2§ '05 ch.47, 7 Mr
- u** N. M. Funds of insolvent estate after paying cost of administration to be divided pro rata among creditors. 2§ '05 ch.12, 20 F
- v** N. M. Amdg. '01 ch.81 §19 rel. to appraisal of decedent's estate. 2§ '05 ch.50, 10 Mr
- w** N. M. Amdg. '01 ch.81 §6 rel. to failure of executor or administrator to protect estate; suit by third party. 2§ '05 ch.131, 16 Mr
- x** N. Y. Court may when directing sale of decedent's realty include widow's dower rights to increase fund to pay debts & funeral expenses; distribution. Adds §2800 to C.C.P. 1§ '05 ch.430, 16 My
- y** N. C. Personal representative may sell land bid in for benefit of estate. 2§ '05 ch.342, 2 Mr
- y1** N. C. Amdg. '01 ch.186: personal representative of mortgagee or trustee of property pledged for debt may enforce; heir not necessary party. 3§ '05 ch.425, 4 Mr
- y2** N. C. Personal representative may erect gravestone & charge to funeral expenses; limit \$100 without special court order. 3§ '05 ch.444, 4 Mr
- y3** Or. Executor or administrator may execute deed of conveyance where decedent had given bond for deed. 2§ '05 ch.19, 3 F
- y4** Or. Amdg. Ann. C. & S. §1172-73: court may order sale of decedent's realty before personalty. 3§ '05 ch.130, 18 F
- y5** Pa. Executor or administrator to pay fund claimed by foreign personal representative into Orphans Court where beneficiary is resident of state. 2§ '05 ch.67, 31 Mr
- y6** S. D. Amdg. Probate Code §201, 203-4, 207-8 rel. to sale of real estate by executor or administrator by court order. 6§ '05 ch.83, 24 F
- y7** Tex. Amdg. R.C.S. '95 art.2159, 2164, 2170-71, 2174 rel. to partition & division of estate of decedent. 5§ '05 ch.77, 12 Ap
- y8** Tex. Amdg. R.C.S.'95 art.2224 providing that survivor of community estate shall make out inventory of estate & list of indebtedness. 1§ '05 ch.140, 17 Ap
- z** U. Amdg. R.S.'98 §3952 as to contents of petition of executor or administrator for final accounting. 1§ '05 ch.60, 9 Mr

- 21 **Vt.** Amdg. S. §2434: copy of report of com'rs on disputed claims against estate *to be delivered to executor or administrator.* 1§
'04 ch.69, 7 D
- 22 **Vt.** Amdg. S. §2503 rel. to order of payment of claims against estate of deceased; *expense of gravestone allowed by probate judge if not over \$25.* 1§
'04 ch.70, 7 D
- 23 **Wis.** Claims against estate paid by executor or administrator, not filed or approved, may be allowed before final accounting, on application to court & notice to heirs & legatees. Adds S.'98 §3030a. 1§
'05 ch.232, 22 My

445

Guardianship

See also 2172, Children

- a **Cal.** Removal of guardianship proceedings from Superior Court of one county to another. Adds C.C.P. §1760. 1§ '05 ch.178, 18 Mr
- b **Cal.** Amdg. C.C. §246: one entitled to guardianship of child who abandons it or allows charity to support 1 yr without notice of his rights forfeits them. Rep. §242-45, 247-49, 258. 9§
'05 ch.562, 22 Mr
- c **Ct.** Probate Court may appoint disinterested person guardian ad litem for minor having parent or guardian. Amds. G.S.'02 §229. 1§
'05 ch.139, 15 Je
- d **Del.** Msdr. for guardian to embezzle or misapply trust funds. Amds. '01, ch. 213 §1. 1§ '05 ch.208, 3 Ap
- e **Ill.** Amdg. '72 p.469 §22: guardian may loan on 1st mortgage for 5 [3] yrs. 1§ '05 p.287, 13 My
- f **Minn.** Amdg. G.S.'94 §4539: *either parent* [father] *with others written consent* may appoint guardian for minor child by will; acceptance and bond. 1§ '05 ch.256, 18 Ap
- g **N. H.** Guardian may resign with permission of probate judge. 1§
'05 ch.22, 16 F
- h **N. C.** Guardian may enforce mortgage made to former guardian. 1§ '05 ch.433, 4 Mr
- i **Or.** Transfer of estates in guardianship from one County Court to another. 3§ '05 ch.16, 3 F
- j **Tex.** County judge may appoint temporary guardian for minor or his estate; to become permanent if uncontested. 6§
'05 ch.15, 23 F
- k **Wash.** Amdg. Ballinger's Ann.C. & S.'97 §6403 rel. to guardian's bond. 1§ '05 ch.17, 14 F
- m **Wis.** Appointment, powers & duties of special guardians of minors, insane etc.; delivery of property to successor. Adds S.'98 §3995 c-f. 4§
'05 ch.89, 17 Ap

446

Insane and incompetent

See also 2205, Insane; 2215, Feeble-minded

- a **Cal.** Amdg. C.C.P. §1774 as to final accounting of guardians of certain insane wards. 1§ '05 ch.255, 18 Mr

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- b Ct. Amdg. G.S.'02 §242 rel. to property of nonresident incompetent: remission of proceeds of sale of property to conservator at incompetent's residence. 1§ '05 ch.77, 19 My
- c Kan. Appointment of guardian of person & property of person declared by special jury to be of unsound mind or habitual drunkard; duties; discharge. Rep. G.S.'01 ch.60 art.1. 32§ '05 ch.299, 9 Mr
- d Me. Amdg. R.S.'03 ch.69 §26 as to intervention of mun. officers to secure appointment of new guardian for adult. 1§ '05 ch.6, 9 F
- e Mass. Amdg. R.L. ch.145 §40: Probate Court may appoint conservator for Mass. property of incompetent nonresident. 1§ '05 ch.127, 3 Mr
- f N. J. Amdg. '98 ch.59 §1: Orphans Court may appoint guardian for property of one confined in insane asylum for 10 yrs. 2§ '05 ch.133, 12 Ap

447 Sale, mortgage and lease of property

- a Cal. Amdg. C.C.P. §1579: court may order lease of property of decedent, minor or incompetent for term not exceeding 10 [5] yrs. 1§ '05 ch.154, 18 Mr
- b Ct. Amdg. G.S.'02 §245 rel. to mortgage of ward's estate by guardian. 1§ '05 ch.2, 16 Mr
- c Kan. Amdg. '03 ch.327 §1 rel. to sale & conveyance or mortgage of ward's real estate by guardian of insane person or habitual drunkard. 4§ '05 ch.300, 8 Mr
- d Mich. Amdg. R.S.'46 ch.78 §26 rel. to sale of land for support of ward. 1§ '05 ch.263, 16 Je
- e Mon. Guardian may mortgage ward's estate; procedure. Adds to C.C.P. §2989-90. 2§ '05 ch.48, 1 Mr
- f Neb. County Courts may authorize executors, administrators & guardians to mortgage real estate, and appoint special administrator therefor. Rep. C.S.'03 §3155-56. 4§ '05 ch.62, 1 Ap
- g Neb. Amdg. C.S.'03 §2878, 2881 rel. to sale of ward's estate: land to be sold by guardian at public sale; under \$500, court may order private sale; notice of sale. 3§ '05 ch.60, 4 Ap
- h N. H. Amdg. P.S. ch.177 §8: guardian may lease ward's real estate with consent of judge of probate. 1§ '05 ch.13, 9 F
- i N. Y. Amdg. C.C.P. §1590, 2349: notice of application for partition or sale of realty of incompetent in state inst. to be served on sup't. 2§ '05 ch.434, 16 My
- j N. C. Amdg. '03 ch.99 §3: funds arising from sale of realty where contingent remainder-man is not in esse may be loaned under direction of court for not over 2 yrs pending reinvestment. 1§ '05 ch.548, 6 Mr
- k N. D. Providing for specific performance by guardian of contract for sale of real estate in certain cases. 1§ '05 ch.116, 10 F
- m Okl. Guardian of infant & insane may lease & grant mineral lands of ward for royalty on production. 3§ '05 ch.12, art.1, 15 Mr
- n Okl. Amdg. '01 ch.1 §1 rel. to mortgages of real property by administrators of intestate estates & guardians of estates of minors & insane. 1§ '05 ch.12 art.2, 15 Mr

- p Or. Amdg. Ann. C. & S. §5611 rel. to conditions under which sale by guardian is valid though contested by ward. 1§ '05 ch.83, 15 F
- q S. D. Amdg. Probate Code §408, 410 rel. to mortgage of ward's property by guardian. 2§ '05 ch.91
- r Wy. Amdg. R.S.'99 §4913 rel. to service by publication of notice of sale by guardian of ward's real or personal estate. 1§ '05 ch.12, 8 F

448

Trusts (general)

- a Cal. Receiver, assignee or one in fiduciary capacity required by law to give bond may charge premium not exceeding $\frac{1}{2}\%$ to estate. 1§ '05 ch.377, 20 Mr
- b Cal. Amdg. C.C. §2236: trustee who mingles trust property with his own liable *for value of its use*. 1§ '05 ch.456, 21 Mr
- c Del. Vesting title to trust property in trustees appointed by chancellor. 1§ '05 ch.197, 29 Mr
- d Ill. Investment of trust funds. 1§ '05 p.1, 18 My
- e Kan. Probate Court to have jurisdiction over trust for minor; trustee governed by rules of guardianship. 1§ '05 ch.191, 4 Mr
- f Mass. Settlement of certain trust estates where life beneficiary has not been heard of for 14 yrs. 13§ '05 ch.326, 21 Ap
- g Minn. "An act to amend G.S. '94 §4284 subdiv.6 amended by '01 ch.95 rel. to express trusts." '03 ch.132, 4 Ap. *Unconst.* Title restrictive rel. to mun. trusts while act embraces gen. subject of express trusts. *Watkins v. Bigelow* 100 N.W. 1104 (1904).
- h Minn. Amdg. '78 ch.43 §21: trustee may execute lease for 5 yrs; District Court may authorize sale, mortgage or lease of trust property; procedure to secure order. 1§ '05 ch.339, 19 Ap
- i Mon. Officer may take required oath when corp. is authorized to act in fiduciary capacity. 1§ '05 ch.15, 15 F
- j Neb. Fiduciary may include in expenses premium paid surety co. 1§ '05 ch.13, 29 Mr
- k N. J. Court of Chancery may transfer trust property under its control to custody of court of another state or foreign trustee. Supplements '86 ch.49. 2§ '05 ch.134, 12 Ap
- m N. J. Amdg. '98 ch.234 §121, 124-26 rel. to exam. of accounts of fiduciaries by surrogate. 4§ '05 ch.154, 17 Ap
- n N. J. Amdg. '99 ch.156 §1, 3 as to disposition of balance remaining in hands of trustee after performing terms of trust. 3§ '05 ch.207, 28 Ap
- p Pa. Amdg. '79 ch.17 §1 rel. to appointment of trustees to care for estate of one who has disappeared. 3§ '05, ch.55, 30 Mr
- q Wis. Amdg. S.'98 §3803 as to removal of fiduciaries: order to show cause to be served. Adds §3803a. 2§ '05 ch.242, 23 My
- r Wis. Amdg. '03 ch.317: trust funds may be invested in Wis. state bonds; authority to invest conferred by will or instrument of trust excepted. 2§ '05 ch.284, 1 Je

449

Insolvency. Assignments

See also 454, Debtors; 459, Sale of merchandise; 523, Corporations; 1273, Railways; 1343, Street railways; 1687, Banking; 1722, Building and loan associations; 1743, Insurance

- a **Cal.** Amdg. C.C. §3451 rel. to assignment for benefit of creditors. 1§ '05 ch.466, 21 Mr
- b **Col.** Balance of property assigned for benefit of creditors unclaimed 1 yr after declaration of final dividend to be divided pro rata among known creditors; procedure. Adds §12a-c to '97 ch.26. 3§ '05 ch.75, 10 Ap
- c **Ga.** Debt discharged in bankruptcy to be revived only on signed promise of debtor. 2§ '05 p.101, 22 Ag
- d **N. D.** Cancellation of judgments against bankrupts; procedure. 4§ '05 ch.125, 13 Mr
- e **Pa.** Assignments for benefit of creditors executed in another state to terminate as to property in Pa. at end of 25 yrs. 1§ '05 ch.228, 3 My
- f **W. Va.** Trustee of insolvent debtor to qualify & give bond; appointment of appraisers; final report of trustee to com'r of accounts of County Court. 2§ '05 ch.55, 15 F

450

Receivers

- a **Ct.** Selectmen of town may apply for receiver for organization for support of members where members may become expense to town. 2§ '05 ch.206, 29 Je
- b **Mich.** Amdg. R.S.'46 ch.118 §11: receiver of dissolved corp. may continue business 16 mo. 1§ '05 ch.96, 4 My

451

Homesteads. Exemption from execution

See also 741, Attachment

- a **Cal.** Amdg. C.C.P. §1723 as to disposition of homestead on death of 1 of spouses occupying. 1§ '05 ch.149, 18 Mr
- b **Cal.** Amdg. C.C. §1263: homestead declaration to contain name of spouse. 1§ '05 ch.447, 21 Mr
- c **Cal.** Alienation or incumbrance of homestead where 1 spouse is insane; petition; notice; order. Adds C.C. §1269a-c. 3§ '05 ch.560, 22 Mr
- d **Col.** Amdg. '03 ch.75 §1: 1 spouse may execute valid mortgage or deed of trust on homestead without joining other. 1§ '05 ch.85, 25 Mr
- e **Kan.** Contract for sale or exchange of homestead unenforceable unless signed by husband & wife or agent authorized by both. 2§ '05 ch.154, 9 Mr
- f **Me.** Amdg. R.S.'03 ch.77 §19: insurance of married woman descends to husband & children free from claims of creditors. 1§ '05 ch.74, 15 Mr
- g **Mon.** Amdg. C.C.P. §1221-22 rel. to property of married person or head of family exempt from execution. 3§ '05 ch. 8, 6 F
- h **N. M.** Amdg. C.L.'97 §1746 rel. to exemption from execution in action in Justices Court. 6§ '05 ch.82, 15 Mr

- i **N. C.** Amdg. C. §505: homestead not to be exempt from execution after conveyance by original owner; latter may take up new homestead. 2§ '05 ch.111, 6 F
- j **Okl.** Amdg. S.'93 §2844: family home whether title in husband or wife exempt from attachment. 2§ '05 ch.18 art.1, 15 Mr
- k **Or.** Amdg. Ann.C.& S. §228 rel. to exemption of earnings of judgment debtor. 1§ '05 ch.220, 22 F
- m **Or.** Amdg. Ann.C.& S. §221 rel. to exemption of homestead from execution. 1§ '05 ch.221, 22 F

453 Contracts and other obligations

See also 304, Contract for sale of land; 510, Corporations; 787, Contracts and supplies (public); 835, Tax on deeds and contracts; 1342, Street railways; 2113(5), Employment; 2560, Local finance

- a **Cal.** Amdg. C.C. §1624-25: statute of frauds to apply to contract not to be performed during life of promisor or to leave property by will. 2§ '05 ch.451, 21 Mr
- b **Kan.** Convict for less than life term may contract concerning property. 1§ '05 ch. 153, 8 Mr
- c **Neb.** Person not required to pay for publication mailed or sent without subscription or order, or after expiration of same. 1§ '05 ch.104, 1 Ap
- d **N. C.** Standard table of present worth of annuity. 3§ '05 ch.347, 2 Mr

454

Debtors

See also 449, Insolvency; 450, Sale of merchandise; 735, Judgments

- a **Me.** Amdg. R.S.'03 ch.114 §23 as to subpoena of debtor in disclosure suit. 1§ '05 ch. 131, 22 Mr
Amended '05 ch.134, 22 Mr
- b **N. J.** State as creditor receiving proceeds of sale of property of absent, fraudulent or absconding debtor need not give bond. Supplements '01 ch.74. 1§ '05 ch.186, 20 Ap
- c **N. C.** Judgment creditor may secure partition of lands held by debtor as tenant in common; execution against excess over homestead. 3§ '05 ch.429, 4 Mr

455

Hotel keepers liability

- a **Mich.** Liability of innkeeper for personal property of guest. Rep. '75 ch.15, '97 ch.227. 3§ '05 ch.42, 5 Ap
- b **Neb.** Rev. Ann.S.'03 §6350-52 rel. to duties, liabilities & rights of hotel, restaurant & boarding house keepers. 4§ '05 ch.81, 3 Ap

457

Seals

See also 438, Probate procedure

- a **Tex.** Amdg. R.C.S.'95 art.676: atty. of corp. may convey land without corp. seal. 1§ '05 ch.120, 15 Ap

459

Sale of merchandise

- a **Ct.** Amdg. G.S.'02 §4868 rel. to sale of merchandise in bulk: void against creditors unless notice filed signed by vendor; time of filing. 1§ '05 ch.211, 6 Jl

- b **Ill.** Sale of any part of stock of merchandise except in usual course of business void unless vendor's creditors are notified in detail 5 days before transfer. 2§ '05 p.284, 13 My
- c **Ind.** Sale of merchandise in bulk not in course of trade void as to creditors who supplied stock or loaned money for business unless notice is given as prescribed. '03 ch.153, 9 Mr. *Unconst.* Arbitrarily creates class of preferred creditors denying equal protection of law. *McKinster v. Sager* 72 N.E. 854 (1904).
- d **Me.** Sale of merchandise in bulk. 2§ '05 ch.114, 21 Mr
- e **Mich.** Sale & assignment of merchandise in bulk. 3§ '05 ch.223, 16 Je
- f **N. Y.** Amdg. Pen.C. §544: if vendee has made written statement to obtain credit, books to be open to vendor's inspection on failure to pay; refusal presumptive evidence of fraud. 1§ '05 ch.556, 18 My
- g **Or.** Minor amdt. to Ann.C. & S. §4624 rel. to sale of goods in bulk. 1§ '05 ch. 22, 3 F
- h **Pa.** Sale of merchandise in bulk not in course of trade voidable for 90 days at suit of creditor to whom 5 days notice was not given; msdr. for vendor to deceive vendee as to creditors. 3§ '05 ch.44, 28 Mr
- i **U.** Regulating dealings in goods in bulk not in course of trade. 5§ '05 ch.90, 9 Mr

460

Agency

- a **Cal.** Amdg. C.C. §2334 rel. to liability of principal for act of agent. 1§ '05 ch.457, 21 Mr
- b **Kan.** Amdg. G.S.'01 §3174: signature of agent to satisfy statute of frauds must have been made with *written* authority. 2§ '05 ch.266, 7 Mr

460(5)

Acceptance of commission

- a **Ct.** Penalty for bribing employee. 3§ '05 ch.99, 24 My
- b **Mich.** Felony to bribe employee. 1§ '05 ch.210, 13 Je
- c **N. Y.** Msdr. to bribe employee or servant. Adds §384r to Pen.C. 1§ '05 ch.136, 5 Ap
- d **R. I.** Msdr. to bribe employee & for employee to take bribe. Rep. G.L. ch.283 §17. 7§ '05 ch.1219, 11 Ap
- e **Wash.** Msdr. for agent, employee or officer to accept gratuity or commission from other than his principal. 1§ '05 ch.158, 11 Mr
- f **Wis.** "An act to prohibit influencing of agents, employees or servants." '05 ch.129, 29 Ap

461

Money. Interest. Usury

- a **Mich.** Rep. '38 ch.47 which prohibited circulation of paper currency of less denomination than \$1. 1§ '05 ch.267, 16 Je

463

Interest. Usury*See also 1727, Pawnbroking*

- a **Me.** Amdg. R.S.'03 ch.46 §2 as to usurious small loans on personalty. '05 ch.90, 18 Mr
- b **Mo.** Amdg. R.S.'99 §3708: usurious interest & costs recoverable by borrower or his personal representative. 1§ '05 p.172, 27 F

- c Wis. Amdg. S.'98 §1691 as to penalty for usury; loan of money secured by pledge or assignment of wages. 1§ '05 ch.278, 1 Je

464

Negotiable instruments*See also 1596, Legal holidays*

- a Ari. Amdg. R.S.'01 t.49 rel. to negotiable instruments. 11§
'05 ch.23, 4 Mr
- b Cal. Amdg. C.C. §3088: negotiable instrument may provide for payment of atty.'s fee & costs of suit to compel payment. 1§
'05 ch.97, 10 Mr
- c Cal. Amdg. C.C. §3131, 3176, 3197, 3235 rel. to presentation of negotiable instrument; acceptance of bill by written promise; damages on dishonored foreign bill. 4§
'05 ch.462, 21 Mr
- d Fla. Felony to obtain property by issuing draft, order or check which drawer knows will not be paid or when deposit at bank insufficient unless within 24 hrs after notice of dishonor drawer pays amount of instrument or restores consideration. 1§
'05 ch.97
- e Ill. Amdg. R.S.'74 ch.98 §17: in city of 200,000 Sat. from 12 "holiday" for purpose of acceptance or payment of negotiable instrument. 1§
'05 p.332, 13 My
- f Kan. Adopting negotiable instrument law uniform with that of other states. Rep. G.S.'01 §540-57a. 199§
'05 ch.310, 7 Mr
- g Mich. Negotiable instruments law. 192§
'05 ch.265, 16 Je
- h Minn. Amdg. '03 ch.261 §1-2 rel. to maturity of negotiable instrument due on Sun. & certain holidays. 3§
'05 ch.345, 18 Ap
- i Mo. Adopting negotiable instrument law uniform with laws of other states. 197§
'05 p.243, 10 Ap
- j Neb. Rev.Ann.S.'03 ch.39 rel. to negotiable instruments. 197§
'05 ch.83, 1 Ap
- k N. D. Amdg. R.C.'99 §7671: obligation in writing for patent medicine or for cure of any disease to have consideration written across face. 1§
'05 ch.189, 24 F
- m N. D. Rep. R.C. '99 ch.88 rel. to negotiable instruments. 1§
'05 ch.138, 11 Mr
- n S. D. Form of note for medical treatment; nonnegotiable; failure to cure after written guarantee a msdr. . 4§
'05 ch.141, 25 F
- p S. D. Obligation taken for lightning rod, patent, or as premium for mutual hail insurance to state consideration across face in red ink; nonnegotiable. 2§
'05 ch.140, 7 Mr
- q Wis. Bank not liable for payment of raised or forged check unless action brought by depositor within 1 yr after return of check to depositor. Adds S'98 §1675 subdiv.24. 1§
'05 ch.262, 25 My
- r Wy. Adopting negotiable instrument law uniform with that of other states. 197§
'05 ch.43, 15 F

465

Days of grace

- a N. C. Amdg. '99 ch.733 §197: abolishing days of grace except on sight drafts. 1§
'05 ch.327, 28 F

466

Partnership

- a Mich. Amdg. '77 ch.191 §13 rel. to limited partnerships. 1§
'05 ch.63, 19 Ap

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- b Mich. Amdg. '77 ch.191 §10 rel. to service of process on limited partnership ass'ns. 2§ '05 ch.188, 7 Je

467

Suretyship

See also 1703, Surety companies

- a Fla. Surety on bond on which action is brought may be granted injunction by Court of Chancery, restraining principal on bond from disposing of property till final disposition of case; proviso. 1§ '05 ch.35, 11 My
- b O. Official & fiduciary bonds over \$2000 must be guaranteed by surety co. '04 p.182, 22Ap, amdg. R.S. §3641c. Unconst. Restricts freedom of contract. *State v. Robins* 73 N. E. 470 (1905).

468

Torts

See also index under Damages to property

- a Cal. Amdg. C. C. §1929-30, 1932 rel. to liability of hirer of property for injury from wrongful user; termination of hiring. 3§ '05 ch.454, 21 Mr
- b Cal. Amdg. C. C. §3294 rel. to exemplary damages in tort action. 1§ '05 ch.463, 21 Mr
- c Mo. Definition of terms used in R.S. '99 ch. 17 rel. to contribution of railroads in tort action. '05 p. 138, 1 Ap

470

Forcible entry and detainer

- a Kan. Amdg. G. S. '01 §5397, 5401 rel. to forcible entry & detainer. 3§ '05 ch.338, 22F
- b Wash. Amdg. '91 ch.96 §3, 5, 11-12 rel. to forcible entry & detainer. 4§ '05 ch.86, 6 Mr

471

Personal injury

See also 1315; Railroads; 1368(3, Street railways; 2125, Employers liability; 2446, Municipalities; 2728, Roads; 2639, Electricity and gas

- a Mich. Measure of damages in actions for death due to negligence; distribution of proceeds; amount recovered not subject to creditors, claims. 2§ '05 ch.89, 3 My
- b Mich. Amdg. R. S. '46 ch. 140 §2: action against physician or dentist for malpractice to be brought within 2 yrs. 1§ '05 ch.168, 6 Je
- c Mich. Legal impediment to marriage no bar to action by party to marriage or issue for injury by negligence to either party to marriage relation. 1§ '05 ch.280, 16 Je
- d Mo. Amdg. R. S. '99 §2864 rel. to amount of damages recoverable for death caused by negligence of one having charge of public conveyance; parties. 1§ '05 p. 135, 13 Ap
- e Nev. Damages for personal injury to be adjudged by state or federal court. 4§ '05 ch.142, 23 Mr
- f Nev. Amdg. '71 ch.36 §1: liability for death by wrongful act to be adjudged by state or federal court. 2§ '05 ch.148, 24 Mr
- g S. C. Amdg. C. C. §2859: action for injury to person or personal property to service to & against personal representative. 1§ '05 ch.471, 7 Mr

- 472 **Libel. Slander**
- a **Mich.** Introduction of evidence in libel action. 3§ '05 ch.94, 4 My
 - b **Mon.** Msdr. to secure publication of false or libelous statement. 2§
'05 ch.36, 25 F
 - c **N. M.** Reenacting '89 ch.2 rel. to libel. 1§ '05 ch.13, 22 F
 - d **N. D.** Defining libel or conspiracy to libel. 5§ '05 ch.128, 2 Mr
 - e **Okl.** Slander to impute unchastity to female. 2§
'05 ch.13 art. 6, 13 Mr
 - f **Wash.** Rep. '99 ch.59 rel. to retraction of libel by newspaper to prevent suit. 1§ '05 ch.4, 19 Ja

- 473 **Trespass**
- See also* 326, Crimes; 1879, Domestic animals; 1908, Game and fish; 2034, Mines
- a **Fla.** Trespass on inclosed lands: notice by poster not required on inclosed land under 200 acres with dwelling house; boundary formed by water need not be fenced. 3§ '05 ch.47, 15 My
 - b **Mich.** Amdg. R.S. '46 ch.107 §30: abolishing distinction between actions of trespass & trespass on the case. 1§ '05 ch.77, 1 My
 - c **U.** Amdg. R. S. '98 §4430: trespass to use personal property *without consent of owner or person in charge*. 1§ '05 ch.44, 8 Mr

474 Family

- a **Wis.** Amdg. S.'98 §2345: wife may bring action for alienation & loss of affection & society of husband. 1§ '05 ch.17, 17 Mr

476 Marriage

See also 246, Crimes against public morals and the family

- a **Ill.** Amdg. R. S. '74, ch.89 §3-4, 6, 13, 15 rel. to marriage, legal age male 21 [17] female 18 [14]; celebration; common law marriage void; license. 5§ '05 p.317, 13 My
- b **N. H.** Rep. '03 ch.93 §1 rel. to filing by nonresident of notice of intention to marry in state. '05 ch.79, 9 Mr

477 Parties. Age

- a **Mich.** Amdg. R. S. '46 ch.83 §6: marriage of feeble-minded, imbecile, epileptic or insane inmate of inst. prohibited except on verified certificate of recovery; felony to abet such marriage. 1§
'05 ch.136, 25 My
- b **Neb.** Amdg. C.S. '03 §4275: marriage between 1st cousins of whole blood, void. 2§ '05 ch.94, 30 Mr

478 License

- a **Cal.** Amdg. C.C. §69 rel. to marriage licenses. 1§
'05 ch.186, 18 Mr
- b **Cal.** Amdg. Pen.C. §360 as to penalty for performing marriage ceremony before receiving license or failure to file same as required by law. 1§ '05 ch.510, 21 Mr
- c **Ind.** Regulating application for & issue of marriage license; grounds for refusal; Circuit Court to pass on denied application; penalties. 8§ '05 ch.126, 6 Mr

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- d **Kan.** Amdg. G.S.'01 §4010 rel. to form & issue of marriage license.
2§ '05 ch.302, 4 Mr
- e **N. M.** Marriage licenses; uniform record & certificate. 10§
'05 ch.65, 14 Mr
- f **Pa.** Amdg. '85 ch.115 §3: oath of legality required of applicants
for marriage license may be taken before *notary*. 1§
'05 ch.40, 24 Mr
- 479 **Ceremony. Solemnization**
 - a **Minn.** Amdg. G.S.'94 §4778: court clerk to issue abstract & receipt
on recording marriage certificate. 1§ '05 ch.294, 19 Ap
 - b **N. Y.** Amdg. domestic relations law '96 ch.272 §11: 2 [1] assistant
leaders of Society for Ethical Culture in N.Y. city may solemnize mar-
riage. 1§ '05 ch.499, 17 My
- 480 **Divorce**
 - a **Pa.** Com'n to be appointed to codify laws rel. to divorce & to co-
operate with other states through Congress of Delegates in securing
uniformity of divorce legislation in U.S. 3§ '05 ch.24, 16 Mr
- 482 **Annulment**
 - a **Cal.** Amdg. C.C. §60, 68, 79a, 84 rel. to illegal marriages; license;
status of child of annulled marriage. Rep. §58 rel. to voidable mar-
riage. 5§ '05 ch.414, 21 Mr
- 483 **Changing name**
 - a **Mich.** Divorced woman not having minor child may adopt maiden
or other name. 1§ '05 ch.299, 17 Je
 - b **N. H.** Court may restore maiden name to woman granted divorce.
2§ '05 ch.7, 8 F
 - c **N. J.** Divorced woman may resume maiden name on filing certifi-
cate of intention with county clerk. Supplements '02 ch.157. 1§
'05 ch.163, 17 Ap
- 485 **Grounds**
 - a **Cal.** Amdg. C.C. §94 rel. to definition of "extreme cruelty" as
cause for divorce. 1§ '05 ch.79, 7 Mr
 - b **Fla.** Rep. '01 ch.88 which provided for divorce on ground of in-
curable insanity. 1§ '05 ch.82, 11 My
 - c **N. C.** Amdg. C. §1285 subdiv.1: fornication or adultery of husband
grounds for divorce. Rep. all laws enacted since session of 1883
creating cause for divorce. 3§ '05 ch.499, 6 Mr
 - d **Pa.** Amdg. '43 ch.113 §8 rel. to divorce on ground of insanity of
either spouse; alimony. 1§ '05 ch.152, 18 Ap
- 486 **Remarriage**
 - a **Ill.** Neither party in divorce suit to remarry within 1 yr; one guilty
of adultery 2 yrs; remarriage of parties. Adds §1a to R.S.'74 ch.40.
1§ '05 p.194, 13 My
 - b **Wis.** Amdg. S.'98 §2330: circuit judge granting divorce on appli-
cation of *both parties* may authorize remarriage of *divorcees to each*
other within yr. 1§ '05 ch.456, 19 Je

488 Soliciting divorce business

- a Cal. Amdg. Pen.C. §159a $\frac{1}{2}$ as to penalty for advertising aid to secure annulment of marriage. 1§ '05 ch.486, 21 Mr
- b R.I. Penalty for advertising to procure divorce. Adds G.L. ch. 281 §37. 1§ '05 ch.1221, 13 Ap

489 Trials. Procedure

- a Kan. Amdg. G.S.'01 §5137 rel. to court orders pending suit for divorce & alimony. 2§ '05 ch.331, 25 F
- b Mich. Amdg. C.L.'97 §8623: divorce for cruelty or desertion not to be granted unless asked for in complaint or answer. 1§ '05 ch.135, 23 My
- c Pa. Divorce suit may be begun in Court of Common Pleas in or out of term & subpoenas secured returnable in 30 days. 4§ '05 ch.204, 22 Ap
- d Pa. Where parties reside in different counties action for divorce may be brought in either. 2§ '05 ch.215, 26 Ap

490 Family property

- a Wis. Amdg. S.'98 §2203: no grant of interest in homestead by married man to be valid without consent of wife. 1§ '05 ch.45, 29 Mr

492 Dower. Curtesy

See also 423, Succession

- a Pa. Dower rights in partition of real estate. Supplements '85 ch.183. 2§ '05 ch.25, 16 Mr

494 Property rights of married women

- a Cal. Amdg. C.C. §171 rel. to liability of wife's separate property for debts incurred in certain cases. 1§ '05 ch.217, 18 Mr
- b Minn. Amdg. G.S.'94 §5532 rel. to legal capacity of married woman. 1§ '05 ch.255, 18 Ap
- c Mo. Amdg. R.S.'99 §901 rel. to conveyances & covenants of married women & barring of dower. 1§ '05 p.94, 23 Mr
- d N. Y. Amdg. domestic relations law '96 ch.272 §30: husband to have no right of [or] action for wife's wages unless agreed with employer with wife's knowledge and [or] consent. 2§ '05 ch.495, 17 My

495 Rights when wife or husband is insane

- a Del. Mode for assigning dower to insane widows in intestate realty; chancellor on petition of parcener may appoint trustee; trustee may waive dower by metes & bounds & take share of proceeds of sale. 1§ '05 ch.196, 21 Mr
- b Ind. Amdg. '01 ch.120 §1 as to discharge of bond on reinvestment of proceeds of sale of realty by party with insane husband or wife. 1§ '05 ch. 54, 28 F
- c Ind. Circuit Court on petition of guardian of insane widow to direct choice of provision of husband's will or statutory share. 1§ '05 ch. 122, 4 Mr

- d **Me.** Amdg. R.S.'03 ch.73 §1 ¶4: sale of ward's real estate by guardian of insane husband. 1§ '05 ch.5, 9 F
- e **Neb.** Conveyance of interest of insane wife or husband in lands of spouse; revocation of power of conveyance on restoration to sound mind. 4§ '05 ch.61, 1 Ap
- f **N. C.** Husband of woman confined in insane asylum may convey property & bar dower without her consent; certificate of sup't of asylum to be filed with deed; homesteads excepted. 4§ '05 ch.138, 8 F

496

Support of family*See also* 2151, Support of pauper: 2203, Support (insane)

- a **Cal.** Amdg. C.C. §137: wife *having legal cause for divorce* [deserted] may sue for support without applying for divorce. 1§ '05 ch.216, 18 Mr
- b **Cal.** Amdg. C.C. §136 rel. to provision for maintenance of family by order in unsuccessful divorce action. 1§ '05 ch.475, 21 Mr
- c **Ct.** Amdg. & supplementing G.S.'02 §1314: abandonment of wife & cohabitation with other woman *within or without state*; place of prosecution. 2§ '05 ch.95, 20 My
- d **Ct.** Amdg. G.S.'02 §1343: *felony* to neglect to support family; maximum imprisonment 1 yr [60 days hard labor in workhouse or county jail]; jurisdiction. 1§ '05 ch.214, 6 J1
- e **Mass.** Amdg. R.L. ch.83 §10: penalty for abandonment of child under 10 [2] by parent or *by one under legal duty to care for it*. 1§ '05 ch. 269, 6 Ap
- f **Mass.** "An act rel. to support of wives & minor children by persons placed on probation." Supplements R.L. ch.212 §45. 1§ '05 ch.307, 20 Ap
- g **Minn.** Amdg. '03 ch.222 §1: arrest for abandonment of wife or minor child may be made on complaint of wife or *county com'r.* 1§ '05 ch. 217, 17 Ap
- h **Neb.** Amdg. C.S.'03 §6884: wife to be competent witness against husband in prosecution for desertion and nonsupport. 2§ '05 ch.172, 28 Mr
- i **Neb.** Amdg. Ann.S.'03 §2375b as to bond given by husband or parent for support of family: bond may be annulled & prosecution dismissed at discretion of court. 2§ '05 ch.196, 28 Mr
- j **N. H.** Punishment of parent for neglect to support minor. Supplements P.S. ch.265 & '95 ch.7. 2§ '05 ch. 108, 10 Mr
- k **N. J.** Amdg. '03 ch.221 §1,4: magistrate may suspend sentence on conviction for desertion or nonsupport of wife or minor children or abuse of child and place on probation. 2§ '05 ch. 203, 28 Ap
- m **N. Y.** Felony to abandon child under 16; confidential communications between husband & wife not excluded on prosecution for offense. Adds §287a to Pen.C. 1§ '05 ch.168, 8 Ap
- n **N. C.** Minor child whose father is dead & mother insane for 12 mo. may if unprovided for secure allowance from mother's estate. 1§ '05 ch.546, 6 Mr

- p **N. D.** Felony to neglect to provide for wife or minor child under 15; court may suspend sentence on giving of bond with approved surety. 2§ '05 ch.1, 7 Mr
- q **Or.** Amdg. Ann.C.& S. §5242 rel. to practice in action brought against husband for nonsupport. 1§ '05 ch.101, 18 F

497 **Children. Adoption, custody, legitimation**

See also 2172, Dependent and neglected children

- a **Cal.** Amdg. C.C. §138 rel. to custody of minor child during action for divorce of parents & after decree. 1§ '05 ch. 49, 3 Mr
- b **Cal.** Amdg. C.C. §226-27 rel. to procedure in adoption of child. 2§ '05 ch.415, 21 Mr
- c **Ct.** Amdg. G.S. '02 §233 rel. to adoption of children: foundling over 1 yr. 1§ '05 ch.59, 12 My
- d **N. J.** Amdg. '02 ch.92 §1: consent of parent divorced for adultery or desertion not necessary to adoption of child. 2§ '05 ch.149, 14 Ap
- e **Pa.** Amdg. '55 ch.456 §7 as to consent of corp. having care & custody of child to its adoption. 2§ '05 ch.208, 22 Ap
- f **Wash.** Amdg. Ballinger's Ann. C.& S. '97 §6480: either spouse may adopt child of other; person adopting may change child's name. 1§ '05 ch.155, 11 Mr
- g **Wis.** Earnings of minor to be his sole property, on neglect of parent to provide for support or support & education. Adds S. '98 §2344a. 1§ '05 ch.226, 22 My

498 **Change of name**

- a **Cal.** Amdg. C.C.P. §1277 rel. to publication of notice of application for change of name. 1§ '05 ch.45, 3 Mr
- b **Wis.** Amdg. '01 ch.136 §1, 4 rel. to change of name: declaration to contain description of real property owned in state; indexing by register of deeds; fees. 2§ '05 ch.75, 11 Ap

500

Corporations

See also 841, Corporation taxes; 1200, Transportation; 1679, Banking; 1732, Insurance; 2627, Municipal utilities

- a **Cal.** Stockholder of private corp. may vote by proxy valid for 11 mo. or specified time not to exceed 7 yrs; revocable. Adds C.C. §321b. 1§ '05 ch.28, 27 F
- ai **Cal.** Leg. may amend or repeal any part of corp. law or dissolve corp. created under it. Adds ch.5 to C.C. t.1. pt4; rep. §403. 3§ '05 ch.348, 20 Mr
- b **Cal.** Amdg. C.C. §285, 290, 292, 305: 3 [5] may form private corp.; directors to be *residents* [citizens]. 4§ '05 ch.392, 20 Mr
- c **Cal.** Amdg. C.C. §299, 302, 304, 309-12, 314-15 rel. to corporate property; conveyances; election & removal of directors; dividends; bylaws; meetings. 9§ '05 ch.416, 21 Mr
- d **Cal.** Amdg. C.C. §400-1 rel. to dissolution of corp. & extension of term. Rep. §399. 3§ '05 ch.418, 21 Mr
- e **Cal.** Corp. to discover fire & save life & property from destruction. Adds C.C. §453a-c. 3§ '05 ch.422, 21 Mr

- f** Cal. Amdg. C.C. §528-30 rel. to bridge, ferry, wharf, chute or pier corp.; toll; corporate existence; reports. 3§ '05 ch.428, 21 Mr
- g** Cal. Corp. for formation of chamber of commerce, bd of trade or mechanics institute. Adds C.C. div. 1 pt 4 t.11a. 7§ '05 ch.433, 21 Mr
- h** Cal. Cooperative business corporations; rights & liability of member; by-laws; powers of corp.; consolidation; dissolution. Adds C.C. div.1 pt4 t.19, 20. 12§ '05 ch.436, 21 Mr; '05 ch.437, 21 Mr
- i** Cal. Amdg. C.C. §360, 362 rel. to holding of real estate by corp. & amending articles of incorp. Rep. §361, 363. 4§ '05 ch.576, 22 Mr
- j** Ct. Amdg. & supplementing '03 ch.194 §37, 69 rel. to corporations: annual report; certificate of organization containing principal office & resident agent to be filed within 2 yrs after filing certificate of incorp. Adds §68b. 3§ '05 ch.267, 19 Jl
- k** Del. Amdg. '03 ch.394 §14, 105 rel. to corp.: stock issued for labor etc. declared to be full paid, & not subject to further liability; telegraph or telephone co. may consolidate with other connecting companies. 2§ '05 ch.155, 29 Mr
- m** Id. Amdg. R.S.'87 §2579-81, 2589-90, 2592-93, 2595, 2606 rel. to corporations: amdt. of articles of incorp.; partial renewal of bd of directors; quorum; place of meeting. 9§ '05 p.161, 6 Mr
- n** Ill. Amdg. '72 p.296 §2, 4 rel. to formation & chartering of corporations 2§ '05 p.130, 16 My
- p** Ind. Amdg. '75 ch.67 §1 as to incorp. of milling co. 3§ '05 ch.139, 6 Mr
- q** Mich. Amdg. '83 ch.158 §3, 5, 6, rel. to incorp. of baseball clubs: maximum capital stock \$100,000 [\$10,000]; may hold \$25,000 [\$10,000] real estate; stockholders not liable for officers' salary. 3§ '05 ch.232, 16 Je
- r** Nev. Misc. amdots. to gen. corp. law '03 ch.88. Rep. §34-35, 53. 12§ '05 ch.51, 14 Mr
- s** N. J. Com'n to be appointed to revise & codify corp. laws; report to present Leg. or Leg. of 1906. 4§ '05 ch.30, 14 Mr
- t** N. J. Amdg. '96 ch.185 §7 rel. to power of corp. to engage in business outside of state. 1§ '05 ch.263, 26 Je
- u** N. M. Gen. corp. law. Rep. C.'97 §411-56. 135§ '05 ch.79, 15 Mr
- v** Tex. Sugar, molasses & rice growing corp. may be organized. Adds subdiv.62-63 to R.C.S.'95 §642. 1§ '05 ch.24, 10 Mr
- w** Tex. Corp. may be formed for 2 or more specified purposes in city under 10,000. Adds R.C.S.'95 art.650b. 1§ '05 ch.53, 31 Mr
- x** U. Amdg. R.S.'98 §322, 338, 340, 444 rel. to certain powers of corp.; amdots. to articles of incorp.; consolidation; bonds of railroad corp. 5§ '05 ch.131, 17 Mr
- y** Wis. Amdg. S.'98 §1770b rel. to corporations: filing of articles; service of process; foreign corporations; revocation of license; illegal combinations. Adds §1770 f-i. 5§ '05 ch.506, 20 Je
- z** Wis. Amdg. S.'98 §1772 subdiv.2, 7, §1773, 1774, 1789, 1791j, 1791l rel. to domestic corporations annual reports; illegal combinations. Adds §1774a. 8§ '05 ch.507, 20 Je

503 Amendment and extension of charter. Reorganization

- a Cal. Submitting amdt. to Const. 1879 art. 12 §7: corp. charter or franchise may be extended 50 yrs by consent of $\frac{2}{3}$ stock. Vote Nov. 1906. 1§ '05 p.1071, 10 Mr
- b Col. Amdg. '99 ch.89 §2 rel. to extension of corporate charter; procedure. 1§ '05 ch.87, 10 Ap
- c Mich. Amdts. to articles of ass'n or incorp. by corp. organized for purchase & improvement of ground for summer homes or assemblies of certain societies. 1§ '05 ch.134, 23 My
- d Mich. Amdg. R.S. '46 ch.55 §7 rel. to amdt. to articles of ass'n of corp. 1§ '05 ch.317, 17 Je
- e Mich. Corp. by $\frac{2}{3}$ vote of capital stock or majority vote of members 2 yrs before expiration of term may extend existence 30 yrs. 2§ '05 ch.328, 20 Je
- f N. Y. Amdg. gen. corp. law '90 ch.563 §32: certificate of incorp. of corp. of limited duration may require more than $\frac{2}{3}$ vote of stock to extend. 1§ '05 ch.256, 21 Ap
- g N. Y. Amdg. stock corp. law '90 ch.564 §32: amended certificate of incorp. to be executed by president & sec. duly authorized by majority of directors. 1§ '05 ch.751, 3 Je
- h Pa. Amdg. '83 ch.108 §3 rel. to contents of application for amdt. of charter. 2§ '05 ch.70, 31 Mr
- i U. Amdg. R.S. '98 §338: articles of incorp. may be amended by majority [$\frac{2}{3}$] vote of capital stock. 1§ '05 ch.30, 3 Mr
- j Vt. Stockholders of corp. formed under S. ch. 165 may amend charter within limits of said ch. 1§ '04 ch.89, 1 N
- k Wash. Amdg. Ballinger's Ann.C.& S.'97 §4251 rel. to amdts. to articles of incorp. & term of existence of private corp. 1§ '05 ch.11, 14 F

504 Commencement of business

- a U. Amdg. R.S.'98 §316: exempting certain water companies from requirement that 10% of stock be paid before beginning business. 1§ '05 ch.111, 16 Mr
- b Wy. Domestic corp. to publish notice of incorp. 4§ '05 ch.13, 8 F

505 Domicile. Name. Residence of officers

- a Cal. Amdg. C.C.P. §1278: corp. applying for new name to certify that it does not closely resemble that of existing corp. 1§ '05 ch.103, 14 Mr
- b Ind. Amdg. R.S.'52 ch.5 §4: certified copy of court order changing name of corp. to be filed with Sec. of State. 1§ '05 ch.151, 6 Mr
- c N. Y. Amdg. stock corp. law '90 ch.564 §59 rel. to procedure in changing principal office of corp. 1§ '05 ch.489, 17 My
- d N. D. Amdg. R.C.'99 §2911 rel. to changing corporate headquarters: exceptions. 1§ '05 ch.66, 2 Mr
- e Tex. Msdr. for member of corp. having charter forfeited, to do business under old name. 1§ '05 ch.139, 17 Ap
- f Wash. Changing corporate name. 1§ '05 ch.109, 9 Mr

CIVIL LAW CORPORATIONS

506 Liability of stockholders

See also 1690, Banking

- a **Kan.** Submitting amdt. to Const. 1859 art. 12 § 2: stockholders in corp. liable to [additional] amount of [equal to] stock owned. Vote Nov. 1906. 2§ '05 ch. 542, 27 Ja
- b **S. C.** Amdg. C.C. § 1843 rel. to liability of stockholder of insolvent corp. other than bank. 1§ '05 ch. 418, 17 F

507 Supervision. Reports

- a **Cal.** Amdg. Pen.C. § 564 rel. to penalty for publication of false report of corporate condition. 1§ '05 ch. 522, 21 Mr
- b **Cal.** Amdg. '78 ch. 450: felony for officer of corp. [selling stock on open market] to falsify report. 2§ '05 ch. 583, 22 Mr
- c **Mich.** Amdg. '03 ch. 232 § 12 rel. to reports of corp.: foreign corp. included. 1§ '05 ch. 194, 7 Je
- d **N. Y.** Amdg. stock corp. law '90 ch. 564 § 30: annual report of corp. to include names & addresses of officers, & party to receive service of process if foreign corp. 1§ '05 ch. 415, 16 My
- e **N. D.** Corp., other than railroad, banking, insurance & corp. not for profit, to report annually to Sec. of State; postoffice address to be filed before charter received; publication of record of forfeitures. 6§ '05 ch. 65, 9 Mr
- f **Wis.** Penalty for failure of corp. to file reports & statements & keep books open for inspection. 1§ '05 ch. 347, 12 Je

509 Capital. Shares. Debts. Property

510 Contracts. Purchase of stock

- Minn.** Amdg. G.S. '94 § 2903: cooperative ass'n may hold stock in corp. with same gen. purposes. 1§ '05 ch. 276, 18 Ap; '05 ch. 313, 19 Ap
- b **Tenn.** Construction co. may receive in payment for work & materials stocks & bonds, to be sold within 3 yrs. 1§ '05 ch. 474, 17 Ap
- c **Wash.** Authorizing corp. to subscribe for & deal in stock of other corp. 1§ '05 ch. 27, 23 F

511 Consolidation

See also 589, Industrial combinations

- a **Mon.** Atty. Gen. to investigate trusts & enforce antitrust laws. '05 p. 357, 28 F
- b **Pa.** Amdg. '01 ch. 216 § 3: letters patent to be issued to consolidated corp. only on certificate of auditor that taxes have been paid. 2§ '05 ch. 71, 31 Mr

512 Conveyance

- a **Cal.** Amdg. C.C. § 1161 as to acknowledgment of instrument executed by corp. before recording. 1§ '05 ch. 444, 21 Mr
- b **Mon.** Corp. may sell whole of its property; protection of dissenting stockholder. 5§ '05 ch. 103, 7 Mr

- c Or. "An act to provide form of acknowledgment of corp." 1§
'05 ch.55, 10 F
- d Or. "An act to regulate sale, lease, assignment, transfer or conveyance of business, franchise or property of corp. as a whole." 1§
'05 ch.194, 21 F
- 513 **Debts. Bonds**
See also 1279, Railways; 1349, Street railways
- a Ct. Mortgage by corp. to secure bonds. 1§ '05 ch.166, 21 Je
Repealed. '05 ch.255, 19 J1
- b N. H. Corp. which may lawfully mortgage its property may include its franchise. '05 ch.61, 9 Mr
- c N. H. Amdg. '01 ch.66 §1 rel. to mortgages of corp. 1§
'05 ch.111, 10 Mr
- d N. Y. Amdg. stock corp. law '90 ch.564 §2 rel. to power of corp. to borrow money & mortgage property. 1§ '05 ch.745, 3 Je
- e S. C. Debts of corp. for services performed in state by resident to be payable in state. 1§ '05 ch.487, 4 Mr
- f Wis. Amdg. S.'98 §1748 subdiv.7: mortgages by corp. to be made with consent of *holders of majority of stock* [majority of stockholders]. 1§
'05 ch.382, 17 Je
- 514 **Increase or reduction of capital**
- a Pa. Amdg. '93 ch.287 §1 rel. to reduction of capital stock of corp. 2§
'05 ch.183, 22 Ap
- b Pa. Amdg. '01 ch.1 §1 rel. to increase of capital stock & indebtedness of corp. 1§
'05 ch.190, 22 Ap
- 516 **Shares**
- a Cal. Amdg. C.C. §322-23, 325 rel. to stockholders liability, issue of partially paid-up certificate, transfers by married woman. 3§
'05 ch.339, 20 Mr
- b Cal. Action to compel issue of duplicate for lost, destroyed or wrongfully withheld share of stock. Adds C.C. §328. 1§
'05 ch.391, 20 Mr
- c Kan. Charter of corp. may restrict amount of stock to be owned by 1 person to certain minority per cent. 1§ '05 ch.157, 3 Mr
- d Mon. Amdg. C.C. §403 subdiv.6, 411 as to preferred stock. Adds §520 subdiv.8. 4§ '05 ch.102, 7 Mr
- e S. C. Amdg. C.C. §1847: certificate of stock to be signed by sec. or treasurer. 1§ '05 ch.436, 22 F
- f Tenn. Private corp. may divide capital stock into common & preferred; designation of stock certificates; rights of preferred stockholders. 6§
'05 ch.174, 5 Ap
- 517 **Government**
- 518 **Meetings. Elections**
- a Ct. Amdg. '03 ch.194 §25 rel. to vote by proxy at stockholders' meeting. 1§ '05 ch.171, 21 Je
- b Mass. Corp. must file certificate of change in date of annual meeting with Com'r of Corp. 1§ '05 ch.222, 27 Mr

CIVIL LAW CORPORATIONS

- c Pa. Voting of shares of stock by executors, administrators, guardians & trustees. 1§ '05 ch.26, 16 Mr
- d Wis. Amdg. S.'98 §1776a: bd of directors of corp. holding stock in another corp. may designate *person* [officer or officers] to vote on stock. 1§ '05 ch.12, 14 Mr

519 Officers

- a Mich. Amdg. '85 ch.112 §1 rel. to minority representation in bd of directors of corp.: insurance corp. excepted. 1§ '05 ch.61, 19 Ap
- b N. Y. Amdg. stock corp. law '90 ch. 564 §21 as to election & term of additional directors of corp. 1§ '05 ch.750, 3 Je
- c N. C. Amdg. '01 ch.2 §2, 110: *assistant* sec. of corp. may affix & attest seal. 1§ '05 ch.114, 6 F
- d U. Amdg. R.S. '98 §315: corp. may elect $\frac{1}{2}$ of bd of directors annually. 1§ '05 ch.22, 24 F
- e Vt. Officer of corp. not to derive personal benefit from official contract. 1§ '04 ch.154, 8 D

523

Dissolution. Insolvency

See also 449, Insolvency; 1273, Railways; 1343, Street railways; 1687, Banking; 1722, Building and loan associations; 1743, Insurance

- a Me. Appointment of receiver for corp.; powers and duties. Rep. R.S.'03 ch.47 §78. 7§ '05 ch.85, 17 Mr
- b Mass. Amdg. R.L. ch.109 §54; '03 ch.437 §53: court may continue existence of corp. in hands of receiver as long as is necessary. 1§ '05 ch.156, 9 Mr
- c Mich. Amdg. '89 ch.262 §1, 2 rel. to winding up mining or manufacturing corp. organized under special act. 2§ '05 ch.10, 1 Mr
- d N. J. Publication of notice of application for repeal of charter of corp. Supplements '76 ch.1. 2§ '05 ch.5, 21 F
- e Or. Dissolution of corp. reported delinquent for 2 yrs in making report or paying license fee; reinstatement. 10§ '05 ch.172, 21 F

525

Foreign corporations

See also 1275, Railways; 1344, Street railways; 1689, Banking; 1723, Building and loan associations; 1746, Insurance; 1757, Life insurance; 1766, Fire insurance

- a Cal. Foreign corp. to file articles of incorp.; service of process; may plead statute of limitations; rights of foreign ry. corp. Adds C.C. §405-10. 6§ '05 ch.471, 21 Mr
- b Ill. Amdg. '97 p.174 §4 rel. to penalty for violation by foreign corp. of statutory requirements for permission to transact business. 2§ '05 p.128, 13 My
- c Ill. Regulating foreign corporations Rep. '97 p.174. 9§ '05 p.124, 18 My
- d Mass. Amdg. '03 ch.437 §58: foreign corp. to file power of atty. in office of Com'r of Corporations [upon payment of fee provided in act]. 1§ '05 ch.242, 30 Mr

528 Agents. Office

- a Nev. Amdg. '89 ch.44 §3 rel. to appointment of resident agent by foreign corp. 1§ '05 ch.72, 8 Mr

- b **W. Va.** State Auditor to be atty. in fact for foreign & nonresident corp.; appointment of atty.; annual payment of atty.'s fees. 6§
'05 ch.39, 22 F

531 Property rights

- a **N. D.** Amdg. R.C.'99 §3261 rel. to holding of real property by foreign corp. 1§
'05 ch.68, 13 Mr

532 Reports

- a **Mass.** Amdg.'03 ch.437 §66: annual certificate of condition of certain foreign corp. to show same not more than 90 [60] days prior to filing. 1§
'05 ch.233, 28 Mr
- b **S. C.** Amdg. C.C. §1783 rel. to penalty for failure of foreign corp. to file required papers. 1§
'05 ch.447, 22 F

583

Corporations not for profit

See also 810, Exemptions from taxation; 1761, Fraternal societies; 1835, Agricultural societies; 2140, Charities; 2325, 2337, Education; 2361, Library associations

- a **Cal.** Amdg. C.C. §312: corp. not for profit to provide in bylaws number of members to constitute quorum. 1§
'05 ch.584, 22 Mr
- b **Ind.** Authorizing incorp. of lodge of ritualistic order; election of officers; issue & transfer of stock; corporate powers. 10§
'05 ch.66, 2 Mr
- c **Me.** Amdg. R.S.'03 ch.57 §1: incorp. of yacht club. 1§
'05 ch.72, 15 Mr
- d **Mich.** Amdg.'77 ch.122 §2 rel. to sporting ass'ns: may hold 160 [12½] acres of land; amdt. of articles of ass'n. 1§
'05 ch.19, 16 Mr
- e **Mich.** Incorp. of women's clubs. 6§
'05 ch.64, 19 Ap
Amended. '05 ch.290, 17 Je
- f **N. M.** Consolidation of benevolent, charitable & scientific ass'ns. 1§
'05 ch.99, 16 Mr
- g **N. Y.** Amdg. membership corp. law '95 ch.559 §10, 90, 92-93 as to directors, trustees, certificate of incorp. & dissolution of young men's or women's Christian ass'n. 4§
'05 ch.320, 24 Ap
- h **Okl.** Amdg. S.'03 §1146: incorp. fee of religious, charitable, educational & benevolent organizations, \$2. 2§
'05 ch.10 art.7, 8 F

584 Officers

- a **Cal.** Amdg. C.C. §593: corp. not for profit to have from 3 to 21 [11] directors. 1§
'05 ch.116, 18 Mr
- b **Mich.** Amdg.'03 ch.171 §1, 7: minimum number of trustees 3 [5]. 2§
'05 ch.163, 1 Je
- c **Minn.** Amdg.'97 ch.59: corp. not for profit may decrease number of trustees by majority vote at regular or special meeting. 1§
'05 ch.304, 19 Ap
- d **Wash.** Amdg.'95 ch.158 §5 as to number of trustees of social, charitable or educational ass'n. 1§
'05 ch.125, 9 Mr

585 Property

- a **Cal.** Amdg. C.C. §595 as to amount of land to be held by corp. organized for social purpose. 1§
'05 ch.23, 21 F

- b **Minn.** Educational corp. may accept gifts notwithstanding limitations of charter. 2§ '05 ch.75, 24 Mr
- c **Mo.** President of dissolved benevolent corp. to execute conveyance of all property to reorganized corp. Adds R.S.'99 §1407a. 1§ '05 p.96, 12 Ap
- d **N. J.** Religious or educational corp. holding property on specific trusts may secure from chancellor order for sale where highly beneficial; reinvestment of proceeds. 4§ '05 ch.152, 17 Ap
- e **N. J.** Charitable, religious or benevolent corp. may hold & dispose of property for purposes for which it was incorporated. 2§ '05 ch.213, 28 Ap

586

Religious corporations

- a **Ct.** Dissolution of religious society & disposition of property. 7§ '05 ch.138, 15 Je
- b **Mass.** Amdg. R.L. ch.36 §27: church corp. may vote money for minister, music & other necessary charges. 1§ '05 ch. 167, 13 Mr
- c **Mich.** Amdg.'97 ch.209 §11 rel. to rights of reincorporated & reorganized ecclesiastical bodies. 1§ '05 ch.78, 1 My
- d **Mich.** Corporate powers of religious societies. 5§ '05 ch.141, 25 My
- e **Tenn.** Amdg.'75 ch.142 §1¶1 rel. to incorp. of religious ass'ns. 2§ '05 ch.358, 13 Ap

587 **Officers**

- a **Mon.** Filing of amended article of incorp. by religious corp. sole. 3§ '05 ch.65, 2 Mr
- b **N. Y.** Amdg.'95 ch.723 §32 as to special election to fill church offices when wardens or vestry lack quorum. 1§ '05 ch.46, 9 Mr

588 **Property**

- a **N. Y.** Amdg. religious corp. law '95 ch.723 §15 rel. to disposition of property of extinct church. 1§ '05 ch.193, 11 Ap

589

Combinations and monopolies

See also 511, Corporations; 1272, Railways; 1342, Street railways; 1516, Grain warehouses; 1521, Tobacco warehouses; 1593, Discrimination; 1686, Banks; 1740, Insurance

- a **Mich.** Agreements in restraint of trade in appliances used in productive industry, illegal. 6§ '05 ch.229, 16 Je
- b **Mich.** Supplementing '99 ch.255 rel. to contracts in restraint of trade, illegal combinations & monopolies: foreign corp. prohibited from maintaining monopoly. 7§ '05 ch.329, 20 Je
- c **Mon.** Injunction may issue pending suit to enforce Const. art.15 §20 rel. to trusts & unlawful combinations in restraint of trade. 3§ '05 ch.93, 4 Mr
- d **Neb.** Msdr. to form contract, combination or monopoly in restraint of trade; court of equity to have jurisdiction; \$10,000 for enforcement. '05 ch.162, 4 Ap
- e **N. D.** Antitrust law. 13§ '05 ch.188, 13 Mr
- f **S. C.** Prohibiting trusts or combinations. C.C. §2845. *Unconst.* in so far as it attempts to regulate interstate commerce. State v Virginia-Carolina Chem. Co. 51 S.E. 455 (1905).

590

Administration of justice

- a N. J. Com'n to be appointed to investigate method of improving judicial system & procedure; report to Leg. of 1906. 3§
'05 ch.88, 31 Mr
- b R. I. Court & practice act: rev. judicial system to conform to Const. 1842 art.12 of amdts. adopted in 1903. 1275§
'05, 3 My

591

Practice of law

See also 434, Attorney for minors; 675, Public prosecutor

- a Id. Pleadings in District or Supreme Courts, & summons to be signed by resident atty.; all pleadings requiring verification to be signed by party to action or resident atty. regularly admitted to practice. 1§
'05 p.75, 13 Mr
- b Neb. Amdg. C.S.'03 §677: msdr. for atty. to draw paper in any proceeding if not admitted to practice by order of Supreme Court. 2§
'05 ch.6, 9 Mr

592 Admission to bar

- a Cal. Amdg. C.C.P. §276-77, 279-80 rel. to the admission of attys. to practice. Adds §280a. 5§
'05 ch.8, 15 F
- b Cal. Msdr. for other than licensed atty. to advertise himself as such. Adds Pen.C. §161a. 1§
'05 ch.487, 21 Mr
- c Col. Practice of law without license to be contempt of court. 1§
'05 ch.77, 10 Ap
- d Ill. Msdr. to practise law without license. 2§
'05 p.190, 16 My
- e Ind. Submitting amdt. to Const. 1851 art.7 §21: Leg. to prescribe requirements for admission to bar. Vote Nov. 1906. 1§
'05 ch.171, 4 Mr
- f Kan. Amdg. G.S.'68 ch.11 §2-3: citizen of U. S. [Kan.] may be admitted to bar after 3 [2] yrs office study or law school graduation. 3§
'05 ch.67, 1 F
- g Mo. Regulating admission to bar. Rep. R.S.'99 §4918-20; 4937. 11§
'05 p.48, 27 F
- h N. J. Atty. may secure new license on changing name. Supplements '04 ch.130. 6§
'05 ch.168, 17 Ap
- i N. Y. Amdg. C.C.P. §58 rel. to law schools whose graduates may be admitted to bar without exam. 1§
'05 ch.195, 12 Ap
- j N. D. Creating State Bd of Bar Examiners; Supreme Court to issue certificates to practise on exam. by bd.; reports. 8§
'05 ch.50, 18 F
- k Okl. Amdg. '03 ch.3 art.1 §1: exempting from exam. attys. previously admitted under existing laws. 2§
'05 ch.6, 13 Mr
- m S. D. Amdg. P.C. §687 rel. to qualifications for admission to bar. 1§
'05 ch.55, 27 F
- n Tex. Amdg. '03 ch.42 §7: Clerk of Supreme Court shall issue license to practise law to holder of University of Texas law diploma & satisfactory certificate of character. 1§
'05 ch.100, 15 Ap

595 Compensation. Fees. Liens*See also 227, Counsel of poor prisoner*

- a **Kan.** Amdg. G.S. '01 §395: notice of atty.'s lien to be served in same manner as summons. 2§ '05 ch.68, 7 Mr
- b **N. D.** Amdg. R.C.'99 §5577: costs on foreclosure of liens to be allowed only if proceedings are conducted by atty. regularly admitted to practice. 1§ '05 ch.129, 11 Mr

600**Courts**

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries. *See also 2359, Law libraries*

603**Reports. Reporters**

- a **Cal.** Amdg. P.C. §739 rel. to salary of court reporters. 1§ '05 ch.168, 18 Mr
- b **Cal.** Rep. '81 ch.47 which provided for appointment of deputy Supreme Court reporter. 1§ '05 ch.224, 18 Mr
- c **Cal.** Amdg. P.C. §767 rel. to appointment & removal of reporters in District Court of Appeals. 1§ '05 ch.243, 18 Mr
- d **Ct. Rev.** '03 ch.151: salary of court reporter \$6000 [\$3000 & \$500]; clerk \$1500; fees. 3§ '05 ch.109, 25 My
- e **Ill.** Amdg. '87 p.159 §1 rel. to appointment of reporter for Circuit Court. 1§ '05 p.147, 13 My
- f **Kan.** Amdg. G.S.'01 §1917 rel. to printing & distribution of Supreme Court reports. 3§ '05 ch.497, 9 Mr
- g **N. Y.** Amdg. C.C.P. §244-50 rel. to election & duties of Supreme Court reporter. 7§ '05 ch.164, 8 Ap
- h **N. C.** Supreme Court to control printing of its reports; State Printers to have preference in letting contract. 2§ '05 ch.400, 4 Mr
- i **R. I.** Provision for supplemental digest of R.I. reports, v.21-26; distribution. '05 r.36, 20 Ap
- j **S. D.** 50 additional volumes of Supreme Court reports to be printed for use of college of law of State University for exchange for reports of other states. 2§ '05 ch.167, 8 Mr
- k **Vt.** Supreme Court reporter may employ clerical assistance to amount of \$300 per annum. 1§ '04 ch.164, 16 N
- m **Wash.** Publication & sale of Wash. Supreme Court reports. 5§ '05 ch.167, 11 Mr

605**Supreme courts**

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

- a **Me.** County allowed expenses of law term of the Supreme Judicial Court. 1§ '05 ch.98, 21 Mr
- b **Mass.** Amdg. R.L. ch.156 §5: relieving Supreme Judicial Court of original jurisdiction in certain contract & replevin actions. 2§ '05 ch.263, 5 Ap
- c **Neb.** Amdg. Ann.S.'03 §4726, 4728: Supreme Court may appoint on unanimous vote 6 [9] com'rs of court; term 2 yrs. 3§ '05 ch.56, 24 F

- d **Wash.** Supreme Court to consist of 7 [5] judges. 4§
'05 ch.5, 19 Ja
- e **Wy.** Amdg. R.S.'99 §3280: Supreme Court term to begin 1st [4th]
Mon. in Ap. 1§
'05 ch.4, 30 Ja
- 606 **Officers**
 - a **Mich.** Amdg.'91 ch.157 §3: annual appropriation for clerical help
of Supreme Court \$8000 [\$5000]. 1§
'05 ch.4, 8 F
 - b **N. Y.** Clerical force of Court of Appeals. Adds §2 to '71 ch.238.
1§
'05 ch.247, 20 Ap
 - c **Pa.** Amdg.'75 ch.6 rel. to compensation of employees of Supreme
Court. 1§
'05 ch.211, 24 Ap
- Reports. Reporters, see 603**
- 608 **Judges**
 - a **Ct.** Senior acting judge of Supreme Court of Errors to be chief
justice pro tem. 1§
'05 ch.53, 12 My
 - b **Ill.** Salary of judge of Supreme Court \$10,000 [\$5000]. 2§
'05 p.271, 16 My
 - c **Mon.** Amdg. P.C. §860: salary of justice of Supreme Court \$6000
[\$4000]. 3§
'05 ch.43, 27 F
 - d **N. J.** Additional compensation to members of Court of Errors &
Appeals, \$1000 a yr. Supplements '00 ch.147. 1§
'05 ch.99, 5 Ap
 - e **N. J.** Amdg. '02 ch.158 §100: salary of vice chancellor \$10,000
[\$9000]. 1§
'05 ch.124, 12 Ap
 - f **N. C.** Amdg. C. §3733: salary of judge of Supreme Court \$3000
[\$2500]. 2§
'05 ch.208, 17 F
 - g **N. D.** Referring to Leg. of 1907 amdt. to Const. 1889 §89: Supreme
Court to consist of 5 [3] judges. 1§
'05 p.351, 6 Mr
 - h **S. C.** Amdg. C.C. §2727: salary of Supreme Court judge \$3000
[\$2800]. 1§
'05 ch.420, 21 F

609

Intermediate courts

For officers and judges see 657-04. See also 371(3) Juvenile Courts; 373, Par-
dons; 430, Probate Court; 855, Court of Claims

- a **Fla.** Submitting amdt. to Const. 1885 art.5 by adding §40-47:
establishing Court of Record in Escambia county & defining jurisdic-
tion. Vote Nov. 1906. 8§
'05 p.433, 6 Je
- b **Ga.** Submitting amdt. to Const. 1877 art.6 §3 ¶1: Leg. may in-
crease or reduce number of judges of Superior Court for each circuit.
Vote Oct. 1906. 5§
'05 p.66, 22 Ag
- c **Id.** Defining jurisdiction of district judge at chambers; procedure.
Rep. R.S.'87 §3890, 3910. 7§
'05 p.7, 17 F
- d **Ill.** County may hold branch Circuit Court; docket & calendar;
rules of procedure. 5§
'05 p.146, 16 My
- e **Mass.** "An act to provide for publishing statistics rel. to trial of
cases in Superior Court." 2§
'05 ch.321, 21 Ap
- f **Mich.** Rep.'03 ch.183 rel. to jurisdiction of Circuit Court in chan-
cery in certain cases. 1§
'05 ch.216, 13 Je
- g **Neb.** Amdg. Ann.S.'03 §4751 increasing powers of district judge
at chambers. 2§
'05 ch.57, 30 Mr

- h N. Y.** Submitting amdt. to Const. 1894 art.6: Leg. may increase justices in any judicial district, but number may not exceed 1 justice for each 60,000 or fraction over 35,000; 1st & 2d districts excepted. Adopted Nov. 1905. '02 p.1802, 21 Mr; '03 p.1452, 22 Ap
- i N. Y.** Amdg. Const. 1894 art.6 §2 as amended in 1899 rel. to justices of appellate division of Supreme Court; when not acting as appellate justice may hold term of Supreme Court in any county or judicial district in any other dep't of state. Adopted Nov. 1905. '04 p.1931, 6 Ap; '05 p.2141, 19 Ap
- j Or.** Amdg. Ann.C. & S. §2492 rel. to terms of Circuit Court in 1st judicial district. 1§ '05 ch.151, 21 F
- k Or.** Amdg. Ann.C. & S. §2493 rel. to terms of Circuit Court in 2d district. 1§ '05 ch.196, 21 F
- m Or.** Amdg. Ann.C. & S. §2522 rel. to terms of County Court. 1§ '05 ch.200, 21 F
- n Pa.** Amdg.'95 ch.128 §3: dockets, books & supplies of Superior Court to be furnished by *sup't of public printing & binding, & Bd of Public Grounds & Buildings* [Sec. of Commonwealth]. 1§ '05 ch.22, 14 Mr
- p S. C.** "An act to divide state into 10 judicial circuits & to arrange same." 2§ '05 ch.428, 14 F
- q S. D.** Clerk of County Court may in absence of judge adjourn for not over 30 days; to follow orders of judge if any are given. 2§ '05 ch.88, 7 Mr
- r Tenn.** Circuit judges may hold adjourned term of court in certain cases; jurors to serve at term. 3§ '05 ch.113, 30 Mr
- s Tex.** Court of Civil Appeals to give written conclusions of fact on every material issue. Adds R.C.S. '95 art.1024a. 1§ '05 ch.51, 30 Mr
- t Tex.** "An act to provide for holding special terms of District Courts . . ." 5§ '05 ch.83, 13 Ap

645

Inferior courts

- a N. J.** "An act to establish Criminal Court of Record in municipalities in 1st class counties on recommendation of prosecutor of pleas . . . jurisdiction . . ." 21§ '05 ch.73, 30 Mr

647

Coroners. Medical examiners

- a Mo.** Submitting amdt. to Const. 1875 art.9 §10: coroner to be elected for 4 [2] yrs; eligible for reelection [only 4 out of 6 yrs]. Vote Nov. 1906. '05 p.308
- b Nev.** Amdg. C.L.'00 §2451: deputy public administrator may act as ex officio coroner. 1§ '05 ch.20, 25 F
- c Nev.** Amdg. '99 ch.10 creating coroner's townships & making justice of peace ex officio coroner; county casting 2000 votes at last election excepted. 1§ '05 ch.116, 15 Mr
- d Wash.** City of 1st class may appoint deputy coroner. 3§ '05 ch.60, 3 Mr

649 Medical examiners

- a N. H. Amdg. P.S. ch. 26, 212, 287: word "coroner" struck out & "medical referee" substituted in certain cases. Supplements '03 ch. 134. 3§ '05 ch. 52, 9 Mr
- b N. H. Amdg. '03 ch. 134 § 2, 5, 7, 8, 12 as to medical referees and inquests. 6§ '05 ch. 60, 9 Mr
- c N. Y. Amdg. '02 ch. 577 § 2, 6-9, 15 rel. to duties of medical examiner of Erie county. 6§ '05 ch. 151, 8 Ap

651 Inquests

- a Cal. Amdg. Pen.C. § 1510, 1512-13, 1515 rel. to coroner's inquest. Adds Pen.C. § 1511a-b, 1514a. 7§ '05 ch. 545, 21 Mr
- b Me. Amdg. R.S. '03 ch. 140 § 12 as to fees of person finding & caring for dead body. 1§ '05 ch. 62, 15 Mr
- c Nev. Body & effects of person dying unattended or under suspicious circumstances not to be handled except to remove to shelter; coroner to be notified. 2§ '05 ch. 131, 16 Mr
- d Wis. Amdg. S. '98 § 4865, 4866, 4872, 4877a rel. to inquests of dead: *district atty. to order* coroner or justice of peace to make inquest; compensation of officers & jurors. 4§ '05 ch. 314, 7 Je
- e Wy. Amdg. R.S. '99 § 1176 as to taking testimony at coroner's inquest. 1§ '05 ch. 15, 9 F
- f Wy. Amdg. R.S. '99 § 1173: expense of inquest to be paid by county where injury causing death was inflicted. 1§ '05 ch. 86, 21 F

653 Justices of the peace

- a Ari. Justice of peace to have jurisdiction of case begun before predecessor. 2§ '05 ch. 19, 3 Mr
- b Cal. Amdg. C.C.P. § 97 rel. to salary of justice of peace. 1§ '05 ch. 14, 15 F
- c Cal. Amdg. C.C.P. § 103 as to number & salary of justices of peace. 1§ '05 ch. 55, 3 Mr; '05 ch. 56, 3 Mr
- d Cal. Justices Court to have jurisdiction over petit larceny, assault & battery & breach of peace; procedure against corp. Adds Pen.C. § 1425; amds. § 1427. 2§ '05 ch. 543, 21 Mr
- e Ct. Amdg. G.S. '02 § 4838 rel. to fees of justice of peace. 1§ '05 ch. 96, 24 My
- f Ind. Justice to use seal with words "justice of peace." 1§ '05 ch. 72, 3 Mr
- g Minn. Amdg. G.S. '94 § 5093: justice of peace to have no jurisdiction over offense committed in city having Mun. Court; proviso. 1§ '05 ch. 104, 5 Ap
- h Mo. Amdg. R.S. '99 § 3806 rel. to appointment of justices of peace. 1§ '05 p. 178, 9 Mr
- i Neb. Amdg. C.S. '03 § 3494 rel. to fees of justice of peace. 2§ '05 ch. 70, 30 Mr
- j N. Y. Amdg. C.C.P. § 3146: town clerk to issue transcripts from records of deceased justice of peace. 1§ '05 ch. 436, 16 My

- k** N. C. Where justice of peace dies or becomes incapacitated pending action may be removed & determined by any justice in same township. 3§ '05 ch.121, 6 F
- m** Or. Amdg. Ann.C.&S. §3002: certain counties to furnish justice of peace with court room & stationery. 1§ '05 ch.150, 21 F
- n** S. D. Justice of peace to have jurisdiction of all cases of assault, battery & petit larceny. 2§ '05 ch.89, 7 Mr
- p** U. Amdg. R.S.'98 §978 rel. to fees of justice of peace. 1§ '05 ch.58, 9 Mr
- q** Wash. Justice of peace in city of 1st class. 3§ '05 ch.105, 9 Mr
- r** Wis. Amdg. S.'98 §3774 as to fees of justice of peace. 1§ '05 ch.114, 22 Ap
- s** Wy. Amdg. R.S.'99 §4325-26 rel. to location of office of justice of peace. 2§ '05 ch.7, 4 F

655

Municipal and police courts

- a** Id. Amdg. '99 p.192 §52 rel. to police judge of village. 1§ '05 p.35, 2 Mr
- b** Id. Amdg. '99 p.192 §8: police judge in cities of 2d class to receive salary not exceeding \$1000; fees to be turned into city treasury. 1§ '05 p.375, 8 Mr
- c** Ill. Establishing Mun. Court for Chicago. Vote Nov. 1905. 67§ '05 p.157, 18 My
- e** Mo. Amdg. R.S.'99 §4097: salary of clerk of Justices Court in city of 100,000-300,000 \$75 [\$50] a mo. 1§ '05 p.177, 15 Ap
- f** N. J. Recorder holding Police Court in city of 2d class over 75,000 may appoint clerk at \$1200 a yr. 3§ '05 ch.179, 19 Ap
- g** N. J. Amdg.'99 ch.52 §79-80: police justice in city under 12,000 may appoint clerk; duties. 4§ '05 ch.199, 28 Ap
- h** N. J. Amdg.'95 ch.98 §8 as to powers of deputy clerk to police justice in city of 1st class. 2§ '05 ch.200, 28 Ap
- i** N. Y. Amdg.'98 ch.182 §394-95 rel. to jurisdiction of Police Court & justice in 2d class city. 3§ '05 ch.687, 1 Je
- j** N. D. Rep. R.C.'99 §2209-47 which provided for establishment of Mun. Courts in cities of 5000. 1§ '05 ch.89, 1 Mr
- k** S. C. Amdg.'04 ch.214 §1: council in city of 2000 [4000] to 20,000 may establish Mun. Court. 1§ '05 ch.456, 18 F
- m** S. C. Amdg. C.C. §993 as to magistrate's record of criminal case. 1§ '05 ch.486, 7 Mr
- n** S. D. Submitting amdt. to Const. 1889 art.5 §23: in city of 5000 Leg. may substitute for police magistrates Mun. Court with jurisdiction of justice of peace & provide for election of judges. Vote Nov. 1906. 1§ '05 ch.69
- p** U. Amdg. '01 ch.109 §13 rel. to concurrent jurisdiction of City & District Courts. 1§ '05 ch.32, 3 Mr
- q** U. Change of judges in Mun. Courts in certain cases in lieu of change of venue. Repealing '01 ch.112 §3. 5§ '05 ch.113, 16 Mr
- r** Wis. Amdg. S.'98 §925 subdiv. 61: in cities of 3d & 4th class council by ordinance, may abolish Police Court. 1§ '05 ch.223, 22 My

- s Wy.** Creating Mun. Court in incorporated city or town having 2 or more justice precincts; jurisdiction; procedure. Rep.'01 ch.85, 101. 8§ '05 ch.27, 15 F

657

Court officers

- a Cal.** Amdg. C.C.P. §170 rel. to disqualification of judicial officer. 1§ '05 ch.370, 20 Mr
b Col. Appointment & salaries of employees of Supreme Court. 3§ '05 ch.138, 5 Ap
c Me. Amdg. R.S.'03 ch.29 §69: penalty for non-feasance of duty by sheriff, his deputy or county atty. 1§ '05 ch.41, 8 Mr
d Pa. Amdg.'99 ch.144 §9: expenses of judge of Superior Court for clerk hire not to exceed \$1500 [\$700] a yr payable *monthly* [3 mo.]. 1§ '05 ch.133, 17 Ap
e Wis. Amdg. S.'98 §4438 as to penalty for purchase of property in litigation by judicial officer. 1§ '05 ch.165, 3 My
f Wis. Amdg. S.'98 §968 rel. to removal of sheriff, coroner, register of deeds or district atty.: expense of investigation; hearing; procedure. Adds §968a. 2§ '05 ch.445, 19 Je

659

Fees and salaries

For fees and salaries of a particular court officer *see* that head

- a Cal.** Appointment & salary of officers of District Court of Appeal. Adds P.C. §758. 1§ '05 ch.176, 18 Mr
b Ill. Amdg.'72 p.420 §17, 19 rel. to fees of recorder & sheriff. 2§ '05 p.266, 16 My
c Mass. County clerk to readjust salaries of justices, clerks & assistant clerks of certain lower courts according to '04 ch.453 after census of 1905; exceptions. 1§ '05 ch.339, 26 Ap
d Or. Amdg.'03 p.318 §2 rel. to fees of certain court officers. 1§ '05 ch.213, 22 F
e R. I. Fees of deputy sheriff for attendance at court \$3 a day: other attendants \$2 a day. 2§ '05 ch.1242, 10 My
f Wy. Amdg. R.S.'99 §1226 as to mileage fees of sheriff or constable to serve civil process. 2§ '05 ch.76, 21 F

663

Constable

- a Me.** Amdg. R.S.'03 ch.117 §8: constables allowed mileage. 1§ '05 ch.59, 15 Mr
b Pa. Borough policeman may hold office of constable. 2§ '05 ch.214, 25 Ap

667

Interpreter

- a N. J.** Court of Common Pleas in county of 1st class may appoint interpreter of Russian & Polish; salary \$1200. 2§ '05 ch.216, 28 Ap

668

Judges

See also 710, Change of venue or judge

- a **Cal.** Amdg. P.C. §737 rel. to salary of judge of Superior Court.
1§ '05 ch.78, 7 Mr
- b **Cal.** Amdg. P.C. §736: salary of justice Supreme Court \$8000
[\$6000]; District Court of Appeal, \$7000. 1§ '05 ch.249, 18 Mr
- c **Cal.** Submitting amdt. to Const. 1879 art.6 §17 rel. to salary of
Superior & Supreme Court judge. Vote Nov. 1906. 1§
'05 p.1069, 10 Mr
- d **Ct.** Amdg.'03 ch.163 §1 rel. to salary of judge of Supreme Court
of Errors & of Superior Court. 1§ '05 ch.213, 14 J1
- e **Fla.** Traveling expenses of judges of Circuit Courts not to exceed
\$300; mode of payment. 3§ '05 ch.24, 6 Je
- f **Fla.** Submitting amdt. to Const. 1885 art.5 §9: salary of justice
of Supreme Court, \$4000 [\$3000]; of circuit judge, \$3500 [\$2500].
Vote Nov. 1906. 1§ '05 p.432, 31 My
- g **Fla.** Submitting amdt. to Const. 1885 art.5 by adding §39: salary
of judge of Criminal Court of Record graded according to population
of county. Vote Nov. 1906. 1§ '05 p.432, 6 Je
- h **Ga.** Amdg.'04 p.73: salary of judge of Superior Court in circuit
having city from 34,000 [54,000] to 75,000, \$5000. 2§
'05 p.90, 15 Ag
- i **Ga.** Gov. to assign judge to hold term of Superior Court of county
when former judge disabled. 4§ '05 p.87, 22 Ag
- j **Me.** Amdg. R.S.'03 ch.117 §2 rel. to fees of trial justices in trial of
issue in criminal case. 1§ '05 ch.136, 22 Mr
- k **Mich.** Reimbursement of circuit judges holding court in outside
county. 2§ '05 ch.218, 13 Je
- m **Mich.** Amdg. Const. 1850 art.6 §6: bd of supervisors of Genesee
county may pay circuit judge additional salary. Adopted Ap. 1905.
1§ '05 p.528
- n **Mo.** Amdg. R.S.'99 §9701 rel. to expenses of certain circuit &
criminal judges. 1§ '05 p.291, 10 Mr
- p **Mon.** Amdg. P.C. §861: salary of judge of District Court \$4000
[\$3500]. 3§ '05 ch.43, 27 F
- q **N. H.** Amdg. '01 ch.78 §14 rel. to salaries of judges of Supreme
& Superior Courts: chief justice \$4200 [\$3800]; associate justice
\$4000 [\$3600]. 1§ '05 ch.107, 10 Mr
- r **N. J.** Amdg. '00 ch.149 §39: Gov. to appoint 5 [3] circuit judges.
2§ '05 ch.268, 7 Ag
- s **N. C.** Amdg. C. §3734: salary of judge of Superior Court \$3000
[\$2500]. 1§ '05 ch.208, 17 F
- t **N. D.** Amdg. R.C. '99 §2071 rel. to reimbursement of county for
salary paid to judge of County Court. 1§ '05 ch.87, 27 F
- u **N. D.** Amdg. R.C.'99 §6615 rel. to salary of judge of County
Courts in counties with & without increased jurisdiction. 1§
'05 ch.78, 11 Mr
- v **Or.** Amdg. Ann. C. & S. §2926 as to additional allowance to Circuit
Court judges in certain counties. 1§ '05 ch.96, 18 F

- w Tex. Salary of district judge \$3000. 2§ '05 ch.166, 4 My
- x U. Amdg. R.S.'98 §693: judge of City or Mun. Court may appear as atty. before District Court only in uncontested probate matter or where party of record. 1§ '05 ch.9, 16 F
- y Wis. Amdg. S.'98 §948, 2441 rel. to filling of vacancies in office of circuit & county judge & election of county judge. 2§ '05 ch.91, 20 Ap; '05 ch.301, 6 Je
- z Wis. \$600 additional salary for judges of Circuit Court. 2§ '05 ch.520, 21 Je

669

Notary public

- a Cal. Amdg. P.C. §791: number of notaries in city or county of 1st class not to exceed 80 [70]. 1§ '05 ch.211, 18 Mr
- b Del. Appointment of notaries public. Rep. sundry special acts. 8§ '05 ch.69, 9 Mr
- c Me. Amdg. R.S.'03 ch.34 §3 giving notaries jurisdiction of justices of peace; recording of protests. 2§ '05 ch.58, 15 Mr
- d Minn. Amdg. G.S.'94 §2271: notary to indorse on each paper witnessed date when license expires. 1§ '05 ch.48, 18 Mr
- e Nev. Amdg. '03 ch.85 §2 rel. to number of notaries public. 1§ '05 ch.65, 8 Mr
- f N. Y. Amdg. executive law '92 ch.683 §81: Gov. to appoint necessary number of notaries [not exceeding 5 for 1000 inhabitants in county]. 1§ '05 ch.178, 11 Ap
- g Wy. Rep. '01 ch.80 §48 rel. to refund of notary public fee where applicant can not qualify. 1§ '05 ch.2, 30 Ja

671

Clerks of courts

- a Ct. Amdg. G.S.'02 §4825 rel. to expenses of clerks of Superior Courts. 1§ '05 ch.31, 2 My
- b Ct. Amdg. G.S.'02 §4824 rel. to fees of court clerks. 1§ '05 ch.61, 12 My
- c Ct. Amdg. G.S.'02 §4828 rel. to salaries of clerks & assistants of Superior Court. 2§ '05 ch.228, 6 Jl
- d Ill. Amdg. R.S.'74 ch.25 §6: court clerk to keep office open from 8 to 5 [6] each working day *except holiday*. 1§ '05 p.122, 16 My
- e Ill. Amdg. '72 p.420 §14 rel. to fees of clerk of Circuit Court in 1st or 2d class county. 1§ '05 p.264, 16 My
- f Me. Amdg. R.S.'03 ch.81 §9: court clerk may appoint deputy of *either sex*. 1§ '05 ch.25, 28 F
- g Me. Salary of clerks of courts. 1§ '05 ch.118, 21 Mr
- h Mass. Correcting clerical error in '04 ch.451 §1: salary clerk of court \$2000 [\$1600]; com'r \$1600 [\$2000]. 1§ '05 ch.179, 15 Mr
- i Mo. Amdg. R.S.'99 §3271: Circuit & Criminal Court clerks in county of less than 300,000 to retain fees to amount of \$5000 [\$3500]. 1§ '05 p.154, 11 Ap
- j Mon. Number & compensation of assistants of clerk of District Court in county of 1st class. 2§ '05 ch.89, 4 Mr
- k Neb. Amdg. C.S.'03 §3479 rel. to fees of clerk of District Court. 3§ '05 ch.68, 4 Ap

- m **Neb.** Clerk of District Court to receive beside fees salary proportional to population of county. 1§ '05 ch.69, 4 Ap
 n **S. D.** Amdg. Probate Code §435 rel. to duties of clerk of County Court. 1§ '05 ch.85, 1 Mr
 p **Tex.** Amdg. R.C.S.'95 art.1148: records & files of clerk of County Court to be open for inspection & copy. 1§ '05 ch.81, 13 Ap
 q **U.** Amdg. R.S.'98 §972 rel. to fees of clerk of District Court. 1§ '05 ch.73, 9 Mr
 r **Wy.** Amdg. R.S.'99 §4539 rel. to fees of clerk of District Court in probate matter. 5§ '05 ch.75, 21 F

675

Public prosecutor*See also 50, Attorney general*

- a **Ari.** Qualifications of district atty. 3§ '05 ch.18, 1 Mr
 b **Cal.** Amdg.'01 ch.182 §7: assistant prosecuting atty. in Police Court of city of 2d class; salary \$1500. 1§ '05 ch.474, 21 Mr
 c **Fla.** Defining duties of state's atty.; exchange of circuits; salary \$2400. 5§ '05 ch.28, 31 My
 d **Kan.** Amdg.'01 ch.134 §1: county atty. in county containing city of 1st class of 16,000 may employ stenographer. 2§ '05 ch.492, 1 Mr
 e **Me.** Salary of county atty. 1§ '05 ch.119, 21 Mr
 f **Me.** County atty. to appear for county in suits where county is interested. 2§ '05 ch.177, 24 Mr
 g **Mass.** Amdg. R.L.ch.7 §13 rel. to salaries of district attys. & assistants. Rep.'02 ch.471, 530; '03 ch.395. 6§ '05 ch.157, 9 Mr
 h **Minn.** Providing additional assistant county atty. in county of 75,000-150,000; salary \$1000. 2§ '05 ch.322, 19 Ap
 i **N. J.** Amdg.'02 ch.125 §2-4 rel. to fees of assistant public prosecutor. 3§ '05 ch.34, 15 Mr
 j **N. M.** Dividing territory into 11 sections for district atty. purposes; salaries of attys. & duties & compensation as county attys. 4§ '05 ch.33, 6 Mr
 k **N. M.** Appointment & compensation of assistant district attys. 3§ '05 ch.34, 6 Mr
 m **N. M.** Amdg. C.L.'97 §2582 rel. to aid to defense of accused criminal by Solicitor Gen. or district attys. 1§ '05 ch.93, 16 Mr
 n **N. M.** Name "Solicitor Gen." changed to "Atty. Gen." 1§ '05 ch.118, 16 Mr
 p **Or.** Amdg. Ann.C. & S. §1002 rel. to appointment of substitute for district atty. in certain cases. 1§ '05 ch.122, 18 F
 q **Pa.** Salaries of district atty., & appointment of assistant district attys. in counties of 800,000. 2§ '05 ch.19, 14 Mr
 r **Pa.** Salaries of district attys. in counties under 150,000; assistants. 8§ '05 ch.125, 17 Ap
 s **Pa.** Atty. Gen. may appoint atty. to represent state in Criminal Courts on request of presiding judge. 4§ '05 ch.225, 2 My
 t **S. D.** Amdg. P.C. §934: Circuit Court may appoint special atty. when state's atty. is adversely interested or ends of justice would be promoted thereby. 1§ '05 ch.90
 u **Wy.** Atty. Gen. may appoint deputy at his own expense. 2§ '05 ch.51, 18 F

688

Referees. Masters

- a Ct. Amdg. G.S.'02 §4816: salary of State Referee \$3000 [\$2000].
2§ '05 ch.223, 6 JI
- b Ind. Parties to civil action except divorce in Circuit or Superior Court may agree upon referee where judge is disqualified or venue changed. 1§ '05 ch.96, 4 Mr
- c Mass. Jurisdiction of master in chancery in case arising in his county extends throughout state. 1§ '05 ch.110, 24 F
- d Wis. Amdg. S.'98 §2864, 2868: issues in civil actions may be referred *in Court of Record*; exception; appeal from referee's report. 2§ '05 ch.146, 3 My

689

Sergeant-at-arms

- a N. J. Judge of District Court may appoint necessary sergeants-at-arms. Supplements '98 ch.228. 1§ '05 ch.39, 20 Mr

691

Sheriff

- a Fla. Fees of sheriffs in lunacy proceedings same as in criminal cases. 1§ '05 ch.86, 1 Je
- b Fla. Sheriff going beyond state limits to bring back escaped prisoner to receive 5c mileage & expenses. 1§ '05 ch.36, 6 Je
- c Ind. Amdg.'95 ch.145 §122 as to fees of sheriff for removing person to certain state insts. 1§ '05 ch.155, 6 Mr
- d Kan. Amdg.'99 ch.141 §9 rel. to fees of sheriff in boarding & caring for prisoners. 2§ '05 ch.227, 8 Mr
- e Me. Compensation of sheriff. Rep. R.S.'03 ch.82 §21-27, 32-44, 43-44. 5§ '05 ch.174, 24 Mr
- f Mo. Submitting amdt. to Const. 1875 art.9 §10: sheriff to be elected for 4 [2] yrs; eligible for reelection [only 4 out of 6 yrs]. Vote Nov. 1906. '05 p.308
- g Mon. Amdg. P.C. §4604 rel. to compensation & mileage of sheriffs. 2§ '05 ch.86, 3 Mr
- h Mon. Maximum number & compensation of deputy sheriffs in county of 1st class. 3§ '05 ch.94, 4 Mr
- i N. J. Compensation & duties of sheriff in county of 1st class. 8§ '05 ch.6, 21 F
- j N. M. Qualifications of deputy sheriff. 1§ '05 ch.120, 16 Mr
- k Okl. Amdg. S.'03 §2995 rel. to fees & expenses of sheriff. 2§ '05 ch.19 art.2, 4 Mr
- m R. I. Amdg. '01 ch.809 §2: Leg. to elect sheriff for each county for 3 yr term; duties & salary. 4§ '05 ch.1218, 6 Ap
- n Tenn. Amdg. '01 ch.96 §1 as to traveling expenses of sheriff for bringing back absconding felon from outside state. 2§ '05 ch.447, 15 Ap
- p Tex. Amdg. R.C.S.'95 art.2462 rel. to sheriffs' ex officio salary. 1§ '05 ch.65, 5 Ap
- q U. Amdg. R.S.'98 §974 rel. to fees of sheriffs. 1§ '05 ch.65, 9 Mr
- r Wis. Amdg. S '98 §731 subdiv.7 as to sheriffs' fees for collection of money. 2§ '05 ch.139, 3 My

CIVIL LAW ADMINISTRATION OF JUSTICE

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Special commissioners. Receivers

- a **Ct.** Amdg. G.S.'02 §461: com'rs of Superior Court to hold office for 2 yrs from Feb. 1 [2 yrs after appointment]. 1§ '05 ch.124, 6 Je
- b **Me.** Amdg. R.S.'03 ch.114 §19 as to number of disclosure com'rs. 1§ '05 ch.1, 31 Ja
- c **Wis.** Amdg. S.'98 §2433: 10 court com'rs to be appointed in counties over 65,000 [in counties having over 1 circuit judge]. 1§ '05 ch.253, 25 My

694

Stenographers

- a **Del.** Amdg. '98 ch.115 §2: salary of court stenographer in certain intermediate courts, \$2000 [\$1500]. 1§ '05 ch.59, 21 Mr
- b **Del.** Chancellor may appoint court stenographer, salary \$600. 2§ '05 ch.76, 23 Mr
- c **Mo.** Supreme Court judge may appoint stenographer; salary \$100 a mo. Rep.'03 p.155. 3§ '05 p.305, 27 F
- d **N. J.** District Court on request of either party to appoint stenographer at petitioner's expense & certify transcript for use on appeal or certiorari proceedings. Supplements '98 ch.228. 1§ '05 ch.138, 12 Ap
- e **Okl.** Court reporter to take down in shorthand & transcribe trial proceedings when required; refusal of court to have competent evidence taken down by stenographer, deemed prejudicial error. 1§ '05 ch.28 art.7 §1, 16 Mr
- f **Tex.** Amdg. R.C.S.'95 art.1012: salary of stenographer of Court of Civil Appeals \$900 [\$600]. 1§ '05 ch.16, 24 F
- g **Tex.** Judge of District Court to appoint stenographer; examination for competency; his report of case to be record; compensation. 13§ '05 ch.112, 15 Ap
- h **Wy.** Amdg. '03 ch.29 §7 rel. to compensation of court stenographer in criminal case. 1§ '05 ch.66, 20 F

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Civil procedure

Including such provisions as apply both to civil and criminal cases. See also 429, Probate procedure; 480, Divorce

- a **Ct.** Judges of Superior Court to make rules of procedure in certain civil actions. 3§ '05 ch.187, 29 Je
- b **N. M.** Amdg. C.L.'97 §2685 subdiv. 175. §3140, '99 ch.4 §1 rel. to Supreme Court practice. 10§ '05 ch.114, 16 Mr

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Legal notices

- a **Cal.** Amdg. C.C.P. §850 rel. to notice of hearing in Justices Court. 1§ '05 ch.37, 1 Mr
- b **Cal.** Amdg. P.C. §4458-59 rel. to publication of official notice. Adds §4460-62. 6§ '05 ch.345, 20 Mr
- c **Minn.** Weekly paper may change day of publication without loss of standing as legal newspaper. 1§ '05 ch.174, 14 Ap
- d **N. D.** Amdg. R.C.'99 §6771: service of notice of appeal to District Court may be made on justice rendering judgment in case party is without state or can not be found, or has not appeared by atty. 1§ '05 ch.81, 2 Mr

- e **N. D.** Amdg. R.C.'99 §1804 rel. to requirements of newspapers qualified to publish legal notices. 1§ '05 ch.139, 11 Mr
- f **Or.** Amdg. Ann.C.& S. §58 rel. to publication of legal notices. 1§ '05 ch.157, 21 F
- g **Vt.** Amdg. S. §1641 rel. to notice to absent defendant in action commenced *at law or in equity*. 1§ '04 ch.63, 25 O
- 699 **Commencement of action**
- a **Mich.** Amdg. R.S. '46 ch.97 §2 rel. to commencement of actions to recover debts or damages. 1§ '05 ch.76, 1 My
- b **U.** Amdg. '01 ch.109 §15 rel. to commencing action & issuing summons in City Court. 1§ '05 ch.45, 8 Mr
- 701 **Limitations**
- See also special subjects as Mechanics lien, Personal injury etc.*
- a **Cal.** Amdg. C.C.P. §339-40: action for death caused by wrongful act limited to 1 [2] yr; against bank for paying forged check 1 yr. 2§ '05 ch.258, 18 Mr
- b **Cal.** Amdg. C.C.P. §345: action for recovery for support of patient in State Hospital barred in 3 yrs. 1§ '05 ch.381, 20 Mr
- c **Kan.** Certain formal defects in recorded documents cured after remaining on file 10 yrs. 1§ '05 ch.324, 18 F
- d **Kan.** Amdg. G.S.'68 ch.80 §21 suspension of running of statute of limitation while defendant is absconded or concealed not to apply to foreign corp. on which service can be had in state. 2§ '05 ch.328, 4 Mr
- e **Mo.** Amdg. R.S '99 §2868: nonsuit or reversal on appeal in tort action starts running of statute of limitations afresh. 1§ '05 p.137, 12 Ap
- f **Mon.** Amdg. C.C.P. §523 as to limitation of certain actions against bank, trust co. or loan ass'n. 2§ '05 ch.78, 3 Mr
- g **Nev.** Amdg. '77 ch.66 §2: payment of principal or interest on overdue contract starts running of statute of limitations afresh. 1§ '05 ch.12, 20 F
- h **N. D.** Amdg. R.C.'99 §5210 rel. to time for commencement of actions: foreclosure of real estate mortgages, actions against trustees under town site laws. 1§ '05 ch.5, 10 Mr
- i **N. D.** Actions by homestead claimants to be brought within 2 yrs after execution of conveyance; provisos. 2§ '05 ch.3, 13 Mr
- j **Or.** Amdg. Ann.C.& S. §3146 rel. to limitation of action to recover land sold for taxes or assmts. 1§ '05 ch.183, 21 F
- k **Pa.** Statute of limitations to run against debt falling due after creditor's death from date when due irrespective of date of administration. 2§ '05 ch.83, 6 Ap
- m **Tex.** Statute of limitations as to power of sale under mortgage, trust deed or lien. 5§ '05 ch.138, 17 Ap
- n **U.** Amdg. R.S.'98 §2992 rel. to manner of pleading statute of limitations. 1§ '05 ch.24, 27 F
- p **U.** Amdg. R.S.'98 §2877 rel. to limitation of certain actions. 1§ '05 ch.97, 9 Mr

- q Wis. Amdg. S.'98 §4229 rel. to limitations of actions accruing to state: actions on forfeitures & penalties; fraud. 3§ '05 ch.1, 3 F

702

Parties

- a Mass. Parties in suit by joint tenants or tenants in common to recover damages for injury to real or personal property. 1§ '05 ch.266, 5 Ap
- b N. J. Amdg.'02 ch.210 § 3, 5 as to parties plaintiff in action to recover penalty for injury to milk cans. 2§ '05 ch.248, 25 My

703

Place of action. Jurisdiction*See also 605-55, Special courts*

- a Col. Action affecting property, franchises or utilities to be brought in county where greater part thereof is situated; transfer of pending actions. Adds §25a-b to '87 p.97. 2§ '05 ch.82, 10 Ap
- b Kan. Action may be brought in state courts on cause of action arising under laws of other state or territory if 1 of parties is resident. 1§ '05 ch.325, 7 Mr
- c Kan. Action against street or electric ry. co. may be brought in any county through which road passes. Supplements G.S.'01 ch.80 art.5. 1§ '05 ch.329, 7 Mr
- d Minn. State & county courts to have concurrent jurisdiction over boundary waters with courts of other states. 2§ '05 ch.242, 18 Ap
- e Mo. Amdg. R.S.'99 §548 rel. to suit under law of other state by party not competent to sue in jurisdiction where cause of action arose. 1§ '05 p.95, 12 Ap
- f Neb. Amdg. C.S.'03 §6591 rel. to actions barred by laws of another state; proviso. '05 ch.170, 4 Ap
- g N. H. Amdg. P.S. ch.216 §1: venue of actions by & against executors & administrators. 1§ '05 ch.94, 10 Mr
- h N. C. Amdg. C. §192 as to venue of actions against railroad co. 1§ '05 ch.367, 2 Mr
- i N. D. Amdg. R.C.'99 §6633 rel. to county in which civil action in Justices Court must be commenced. 2§ '05 ch.91
- j Okl. Action to recover or partition real property or foreclose mortgage to be brought in county where subject-matter is situated. S.'03 §4246. *Invalid.* Conflicts with act of Cong. May 2, 1890 ch.182 §10, requiring actions to be brought in county of defendant's residence. *Burke v. Malaby* 78 P. 105 (1904).
- k Wis. Place of trial of actions against state & state officers to be Dane county. 1§ '05 ch.366, 14 Je

705

Summons. Process

- a Cal. Amdg. C.C.P. §849 rel. to service of summons from Justices Court. 1§ '05 ch.32, 28 F
- b Cal. Individual, firm or corp. may file with county recorder designation of place for receiving service of summons; fee 50c. Adds C.C. §1163. 1§ '05 ch.138, 18 Mr
- c Cal. Amdg. C.C.P. §412 as to proof preliminary to granting order for service by publication on one in state. 1§ '05 ch.142, 18 Mr
- d Cal. Amdg. C.C.P. §1167 as to substituted service in summary proceeding to recover real property. 1§ '05 ch.357, 20 Mr

- e Col. Court may direct service of summons on domestic corp. to be made as on nonresident in attachment where sheriff can not find office or person to receive service. 2§ '05 ch.83, 10 Ap
- f Ct. Amdg. G.S.'02 §566 rel. to return of process in civil actions. 3§ '05 ch.185, 29 Je
- g Fla. "An act to provide for service by publication upon unknown parties in interest in property involved in certain chancery suits . . ."; proceedings. 4§ '05 ch.22, 30 My
- h Kan. Providing for service by publication in certain cases where personal service is impossible. 3§ '05 ch.326, 9 Mr
- i Me. Amdg. R.S.'03 ch.88 §4: service upon copartner of trustee process at *any* [the] place of business. 1§ '05 ch.24, 28 F
- j Nev. Amdg.'69 ch.112 §517: summons in action where 1 party is nonresident returnable in 12 [2] days. 1§ '05 ch.125, 13 Mr
- k N. M. Service by publication. 1§ '05 ch.121, 16 Mr
- m N. Y. Amdg. C.C.P. §2881: service on telegraph co. to be made on resident office manager. 1§ '05 ch.211, 17 Ap
- n N. C. Amdg. C. §363 as to service of process on foreign corp.; local agents. 2§ '05 ch.294, 23 F
- p N. D. Amdg. R.C.'99 §6207-8, 6210 rel. to service by publication in County Court. 3§ '05 ch.92, 24 F
- q N. D. Amdg. R.C.'99 §6608 rel. to issue of summons in County Courts with increased jurisdiction: form. 2§ '05 ch.94, 24 F
- r N. D. Coroner or constable may serve process on sheriff when ex officio party to any action or proceeding. 2§ '05 ch.93, 9 Mr
- s Okl. Amdg. S.'03 §4282 rel. to service by publication in actions where unknown heirs or devisees of deceased made parties defendant. 2§ '05 ch.28 art.8, 4 Mr
- t Or. Amdg. Ann.C. & S. §2201 rel. to summons in Justices Court. 1§ '05 ch.185, 21 F
- u Pa. In equity suit affecting property in state subpoena may issue against defendant and be served wherever found. '59 ch.387, 6 Ap. *Unconst.* Action in personam can not be prosecuted against non-resident on process served without jurisdiction. *Wallace v. United Elec. Co.* 60 A. 1046 (1905).
- v U. Amdg. '01 ch.112 §20 rel. to running of process from Mun. Court. 1§ '05 ch.6, 15 F
- w U. Amdg. R.S.'98 §3683 rel. to service of summons from Justices Court. 1§ '05 ch.93, 9 Mr
- x U. Service by publication of summons from Mun. Court. Adds §25 to '01 ch.112. 1§ '05 ch.103, 9 Mr
- y U. Amdg. R.S.'98 §2948 rel. to service of summons. 1§ '05 ch.105, 9 Mr
- z Wis. Amdg. S.'98 §2640: application & order for service of summons by publication to be filed 10 days after date of order. 1§ '05 ch.16, 17 Mr

706

Civil arrest

- a N. H. Amdg. P.S.ch.221 §1: exempting female from arrest in action *on conditional sale of clothing*. '05 ch.47, 8 Mr

CIVIL LAW ADMINISTRATION OF JUSTICE

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Trial. Pleadings

- a Ct. Amdg. G.S.'02 §720-24 rel. to jury dockets & trials. 5§
'05 ch.56, 12 My
- b Ct. Amdg. G.S.'02 §616 rel. to correction of pleadings. 1§
'05 ch.161, 21 Je
- c Mass. Amdg. R.L.ch.173 §81 rel. to privilege of atty. having more than 1 cause to be tried by certain courts & auditors. 1§
'05 ch.286, 13 Ap
- d N. H. Amdg. P.S.ch.204 §14 & ch.287 §6 as to briefs & costs therefor in Supreme Court. 2§
'05 ch.11, 8 F
- e N. D. Dismissal of civil actions. 4§
'05 ch.6, 11 Mr
- f Okl. Amdg. S.'03 §4299: counter claims may be pleaded by any party to action; not barred by statute of limitations till plaintiff's claim so barred. 1§
'05 ch.28 art.7 §3, 16 Mr
- g Or. Amdg. Anu. C. & S. §132 as to time allowed counsel to address jury. 1§
'05 ch.60, 10 F
- h U. Amdg. R.S.'98 §3724 rel. to dismissal without prejudice of action pending before justice of peace. 1§
'05 ch.11, 18 F
- i U. Amdg. R.S.'98 §3685 rel. to form of pleading in Justices Court. 1§
'05 ch.89, 9 Mr
- j Wis. Amdg. S.'98 §2625 as to trial of actions where place of trial changed. 1§
'05 ch.282, 1 Je

710

Change of venue or judge*See also 668, Judges*

- a Fla. Amdg. R.S.'92 §967 rel. to disqualification of judge: if related within 9th degree to parties to action or if his father or son be atty. of either party; proviso. 2§
'05 ch.27
- b Ind. Judge of Circuit Court may transfer case to Superior Court if calendar is crowded or change of venue necessary. 2§
'05 ch.120, 4 Mr
- c Mich. Amdg. '51 ch.157 §10 rel. to grounds for change of venue by Circuit Court. 1§
'05 ch.309, 17 Je
- d Neb. Amdg. C.S.'03 §7460: defendant applying before return day for change of venue in Justices Court to pay certain costs. 2§
'05 ch.180, 2 Mr
- e Neb. Amdg. C.S.'03 §7461 as to procedure of defendant for change of venue in Justices Courts before commencement of trial; costs; affidavit. 2§
'05 ch.181, 2 Mr
- f S. C. Amdg. C.C.P. §146 as to consent by party, atty. or guardian ad litem to change of venue to another county. 1§
'05 ch.424, 18 F
- g S. C. Amdg. C.C. §2735: 4 [10] days notice of application for change of venue; may be waived or changed by court for cause. 2§
'05 ch.421, 22 F
- h S. D. Amdg. C.C.P. §102 rel. to change of venue on petition of defendant where plaintiff has brought action in wrong county; costs. 2§
'05 ch.82, 21 F
- i S. D. Amdg. C.C.P. §34: circuit judge may hear & determine motion or special proceeding from another circuit at request of judge thereof. 2§
'05 ch.84, 28 F

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Paintings by Thomas

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Reference:

- RECEIVED**

Evidence. Cases

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1. **目的**：本報告旨在探討我國近年來在經濟發展與社會進步方面所取得的成就，並分析其背後的原因與挑戰。
2. **背景**：隨著全球經濟一體化的深入，我國在過去幾十年中經歷了快速的經濟增長，成為世界第二大經濟體。然而，在取得成就的同時，也面臨著諸多挑戰，如環境污染、社會不平等、人口紅利消失等。
3. **方法**：本研究採用了文獻分析法、數據分析法以及專家訪談法等研究方法，對我國經濟社會發展進行了全面、系統的探討。
4. **結果**：研究顯示，我國在過去幾十年中，經濟增長迅速，人民生活水平顯著提高。同時，在社會建設、教育、醫療、科技等方面也取得了長足的進步。然而，在環境保護、社會公平、人口結構等方面仍面臨著嚴峻的挑戰。
5. **結論**：我國在經濟社會發展方面取得了顯著成就，但同時也面臨著諸多挑戰。未來應繼續深化改革，推動經濟高質量發展，加強社會建設，促進社會公平，實現可持續發展。

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ATTACHED ARE THE 11 PAGES

- 1 [REDACTED] My
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

CIVIL LAW ADMINISTRATION OF JUSTICE

- e Vt. Amdg. S. §5394 rel. to attendance fees of witnesses. 1§
'04 ch.170

719

Books. Papers. Laws

- a Kan. Amdg. G.S.'68 ch.80 §372 rel. to use of recorded papers as evidence. 2§ '05 ch.323, 1 Mr
b N. C. Written instrument not requiring attestation may be proved otherwise than by witness. 1§ '05 ch. 204, 16 F
c Or. Amdg. Ann. C.& S. §5054 rel. to evidential value of original & copy of articles of incorp. 1§ '05 ch.50, 10 F
d Or. Amdg. Ann. C.& S. §743 rel. to proof of foreign judicial record. 1§ '05 ch.51, 10 F
e Vt. State Auditor to be a certifying officer & his certificates receivable as evidence as to documents filed in his office. 1§
'04 ch.24, 9 D

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Competence. Forms etc.

- a Cal. Amdg. Pen.C. §1322 rel. to testimony of husband or wife for or against each other. 1§ '05 ch.139, 18 Mr
b Kan. Certified transcript of notes of official stenographer of Court of Record admissible as evidence; msdr. to falsify. 2§
'05 ch.494, 18 F
c Minn. Abstract taken before loss or destruction of title deeds admissible as evidence; sworn copies. 2§ '05 ch.193, 15 Ap
d Nev. Amdg.'69 ch.112 §383 rel. to exclusion of testimony of clergyman rel. to confession to him in his professional character. 1§
'05 ch.113, 7 Mr
e N. Y. Amdg. C.C.P. §834: physician or nurse finding evidence while attending child under 16 that it is victim of crime may testify on investigation. 2§ '05 ch.331, 25 Ap
f Okl. Amdg. S.'03 §4530: in oral exam. of witness not necessary to specify grounds of objection to testimony. 1§
'05 ch.28 art.7 §2, 16 Mr
g Vt. Husband or wife made competent witness for or against the other in civil & criminal actions where breach of marital confidence is not involved. 2§ '04 ch.60, 9 N

721

Depositions. Affidavits

- a Cal. Amdg. C.C.P. §2021: deposition of witness residing more than 50 miles from place of trial may be taken out of court. 1§
'05 ch.134, 18 Mr
b Fla. Depositions on commission in disbarment proceedings may be taken as in other civil causes. 2§ '05 ch.31, 16 My
c N. C. Testimony of physician of hospital for insane may be taken by deposition. 1§ '05 ch.366, 2 Mr
d Or. Amdg. Ann. C.& S. §826 as to deposition in equity suit. 1§
'05 ch.48, 10 F
e Tex. Amdg. R.C.S.'95 art.2282, 2284 rel. to notice for & manner of taking depositions in civil cases. Adds art.2274a. 3§
'05 ch.76, 12 Ap
f U. "An act providing additional method for taking depositions without the state." 9§ '05 ch.41, 7 Mr

- g **Vt.** Adding subdiv. 7 to S. §1257: justice may take deposition of cloistered sister out of court. 1§ '04 ch.61, 7 D
- h **Wis.** Amdg. S.'98 §4102, 4112 rel. to taking of depositions of witnesses. 2§ '05 ch.237, 23 My
- i **Wy.** Amdg. R.S.'99 §3699 rel. to exam. of witness in prison. 2§ '05 ch.6, 3 F

722

Evidence in chancery

- a **Mich.** Amdg. '95 ch.186 §1 rel. to evidence in chancery action: settlement of evidence taken by deposition & admission in appeal; granting extension of time to file case on bonds being given to perform decree if appeal not prosecuted. 1§ '05 ch.129, 17 My

723

Oaths

- a **N. J.** Atty. at law may administer oath; exceptions. Supplements '00 ch.131. 1§ '05 ch.228, 11 My

726

Jury. Verdict

- a **Cal.** Amdg. C.C.P. §199, 200 rel. to qualifications for & exemptions from jury duty. 2§ '05 ch.73, 7 Mr
- b **Me.** R.S.'03 108 rel. to jurors to apply to organized plantations. 1§ '05 ch.82, 17 Mr
- c **Neb.** Amdg. C.S.'03 §7476: method of selecting jury in civil actions tried before Justices Court; jury of 6 [12] allowed. 2§ '05 ch.182, 2 Mr

727

Exemptions*See also 2614, Firemen*

- a **Col.** Amdg. G.S.'83 §1898: officer of railroad, telephone or telegraph co. in active service & editor & reporter of newspaper exempt from jury duty. 1§ '05 ch.117, 6 Ap
- b **Ga.** Exempting licensed embalmers from jury duty. 2§ '05 p.105, 22 Ag
- c **Ill.** Amdg. R.S.'74 ch.78 §4: member of editorial or mechanical staff of newspaper exempt from jury duty. 1§ '05 p.306, 12 My
- d **N. Y.** Amdg. C.C.P. §1086 rel. to excuse of person drawn as trial juror. 1§ '05 ch.44, 9 Mr
- e **N. Y.** Amdg. C.C.P. §1030, 1081, 1127: staff of newspaper or press ass'n exempt from jury duty. 3§ '05 ch.437, 16 My
- f **N. D.** Amdg. R.C.'99 §441 rel. to exemptions from jury duty. 1§ '05 ch.86, 15 F
- g **U.** Amdg. R.S.'98 §1299 rel. to exemption from jury duty. 1§ '05 ch.102, 9 Mr
- h **Wis.** Amdg. S.'98 §2525 rel. to exemption from jury service. 1§ '05 ch.81, 13 Ap

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Fees and mileage

- a **Ct.** Amdg. G.S.'02 §4831: juror's fee \$3 [\$2.50] a day. 1§ '05 ch.55, 12 My
- b **Neb.** Amdg. C.S.'03 §7491: fee for each juror in Justices Court, \$1 [50c]; fee on failure to agree, 50c. 2§ '05 ch.183, 2 Mr

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Jury commissioners

- a **U.** Amdg. R.S.'98 §1305: *Bd of County Com'rs of county where se vice was rendered* [court] to audit claim of jury com'r. 1§ '05 ch.15, 23 F

CIVIL LAW ADMINISTRATION OF JUSTICE

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Qualifications. Drawing. Impaneling

- a **Ark.** Amdg. R.S.'01 §2795, 2808 rel. to impaneling jury in District Court. 3§ '05 ch.24, 4 Mr
- b **Col.** Person summoned as juror in District or County Court who has served as juror within a yr in either court may be excused or challenged. 2§ '05 ch.116, 10 Ap
- c **Ct.** Amdg. G.S.'02 §660 rel. to drawing of jurors: to be publicly drawn in presence of judge & so as to insure distribution among towns. 1§ '05 ch.212, 6 J1
- d **Id.** Amdg. R.S.'87 §7838, 7843 rel. to trial of challengers of jurors for actual bias. Rep. §7839-40, 7844-45. 3§ '05 p.9, 2 F
- e **Ind.** Person serving as juror in court of justice of peace, mayor or city judge disqualified for further service in those courts for 6 mos. 1§ '05 ch.85, 3 Mr
- f **Me.** Amdg. R.S.'03 ch.84 §88: each party allowed 4 [2] peremptory challenges. 1§ '05 ch.111, 21 Mr
- g **Me.** Amdg. R.S.'03 ch.108 §9: 4 days notice of meeting to draw jurors. 1§ '05 ch.133, 22 Mr
- h **Mo.** Selection & qualifications of jurors in county with city of 150,000-400,000; bd of jury com'rs. 17§ '05 p.174, 21 F
- i **Mo.** Rep. R.S.'99 §3791 rel. to special venire. 1§ '05 p.174, 13 Mr
- j **Neb.** Prescribing method of selecting grand and petit jurors in counties under 30,000. Rep.C.S.'03 §7236-61. 10§ '05 ch.176, 4 Ap
- Counties of 30,000-60,000. '05 ch.177, 3 Mr
- k **N. M.** Qualifications & drawing of jurors. Rep.'99 ch.66. 27§ '05 ch.116, 16 Mr
- m **N. Y.** Amdg. '95 ch.369 §16: names of persons who have served term as jurors during 2 preceding yrs not to be put in jury box for service. 1§ '05 ch.31, 2 Mr
- n **N. Y.** Amdg. Pen.C. §76: rel. to penalty for misconduct of officer in formation of jury. 1§ '05 ch.692, 2 Je
- p **N. C.** Where codefendants in civil action have divergent interests court may apportion challenges or increase number to 4 for each. 1§ '05 ch.357, 2 Mr
- q **Or.** Amdg. Ann.C.& S. §975 rel. to drawing jury for term of Circuit Court. 1§ '05 ch.155, 21 F
- r **Pa.** Judges to determine number of jurors to be summoned. 2§ '05 ch.31, 21 Mr
- s **S. C.** Adds §18a to '02 ch.578: any atty. may apply for preparation of jury list or box nunc pro tunc where jury com'r has failed to prepare same. 1§ '05 ch.461, 21 Ja
- t **S. C.** Amdg. C.C. §2941 rel. to selection of foreman for jury. 1§ '05 ch.422, 17 F
- u **Tex.** Supplementing laws rel. to selection of jurors. Adds R.C.S. art. 3159a & 3175a & Crim.P. §647a. 4§ '05 ch.14, 23 F
- v **Tex.** Amdg. R.C.S.'95 art.3139 subdiv.1: failure to pay poll tax no disqualification for jury service. 1§ '05 ch.107, 15 Ap

- w **Vt.** Amdg. S. §1228: in civil actions in County Courts each party to have 6 [2] peremptory challenges *and any further number for cause.* 1§ '04 ch.59, 30 N
- x **Wash.** Selection of jurors in Superior Court; jury com'rs. 16§ '05 ch.146, 9 Mr
- 732 **Verdicts**
- a **Cal.** Amdg. C.C.P. §625 rel. to special & gen. verdicts in actions for recovery of money only or specific real property. 1§ '05 ch.62, 6 Mr
- 733 **Appeals. Review**
- See also 436, Probate procedure*
- a **Cal.** Amdg. C.C.P. §949: appeal does not stay proceedings on court order to corp. to allow member to inspect books. 1§ '05 ch.29, 27 F
- b **Cal.** Amdg. C.C.P. §948 rel. to justification of surety on undertaking on appeal. 1§ '05 ch.162, 18 Mr
- c **Cal.** Amdg. Pen.C. §770 rel. to appeal from decree of removal from office. 1§ '05 ch.280, 18 Mr
- d **Cal.** Amdg. C.C.P. §859: relief from judgment by default barred 10 days after *notice of entry.* 1§ '05 ch.284, 18 Mr
- e **Ct.** Amdg. G.S.'02 §793: proceedings on appeal to Supreme Court of Errors to be suspended during July & Aug. 1§ '05 ch.24, 2 My
- f **Ct.** Amdg. G.S.'02 §792 rel. to finding of facts to be made by judge for case on appeal to Supreme Court of Errors. 1§ '05 ch.58, 12 My
- g **Ct.** Incapacity of judge to make findings for case on appeal to Supreme Court of Appeals ground for motion for new trial. 1§ '05 ch.62, 12 My
- h **Ct.** Case of summary process may not be appealed to Supreme Court of Errors. Amds. G.S.'02 §788. 1§ '05 ch.112, 6 Je
- i **Fla.** Motion for new trial in civil case. 4§ '05 ch.32
- j **Kan.** Authorizing amdt. of complaint on appeal from police judge of city of 2d or 3d class to District Court. 1§ '05 ch.336, 22 F
- k **Kan.** Appeal from Probate Court in matter of lunatic or drunkard to be taken to District Court. 1§ '05 ch.4, 4 Mr
- m **Kan.** Amdg. G.S.'01 §5042 rel. to limitation of appeals to Supreme Court. 2§ '05 ch.321, 4 Mr
- n **Kan.** District Court must grant stay of proceedings on judgment pending appeal, on execution of bond. 1§ '05 ch.322, 4 Mr
- p **Kan.** Amdg. G.S.'01 §5031, 5033-35 rel. to case made on appeals to Supreme Court. 5§ '05 ch.320, 8 Mr
- q **Kan.** Rep. G.S.'01 §4755 rel. to granting new trial on account of smallness of damages awarded. 1§ '05 ch.332, 9 Mr
- r **Mass.** "An act rel. to appeals from Land Court." 1§ '05 ch.288, 13 Ap
- s **Mich.** Appeal dismissed either before or after passage of act for nonpayment of register's fee may be reinstated by Supreme Court. '05 ch.15, 10 Mr amdg. C.L.'97 §552. *Unconst.* as to appeals dismissed before passage as impairing vested right. Lohrstorfer v. Lohrstorfer 104 N.W. 142 (1905).

CIVIL LAW ADMINISTRATION OF JUSTICE

- t **Mon.** Amdg. C.C.P. §1152, 1173 rel. to exceptions, objections & motions for new trial. 3§ '05 ch.92, 4 Mr
- u **Neb.** "An act to provide for appeals to Supreme Court in all . . . except criminal cases; procedure . . ." Rep.C.S.'03 §7156, 7171, 7265-66. 6§ '05 ch.174, 30 Mr
- v **Nev.** Amdg. '69 ch.112 §197: notice of motion for new trial 10 [5] days after verdict; when grounded on insufficiency of evidence *fair preponderance* will support verdict or judgment. 1§ '05 ch.21, 25 F
- w **N. M.** Amdg. C.L.'97 §2685 subdiv.134 rel. to setting aside certain judgments entered by default. 2§ '05 ch.26, 2 Mr
- x **N. C.** Amdg. C. §550: statement of "case" on appeal to be served on respondent 15 [5] days after entry & returned with objections within 10 [3] days. 1§ '05 ch.448, 4 Mr
- y **N. C.** Clerk of Superior Court to send bill with transcript of case for appeal to Supreme Court; to be taxed as costs in higher court. 1§ '05 ch.456, 4 Mr
- y1 **Okl.** Amdg. S'03 §5044: appeals from justice of peace may be made to *Probate* [District] Court; judgment of Probate Court final where judgment given not over \$50. 2§ '05 ch.28 art.9, 2 Mr
- y2 **Okl.** Case on appeal to Supreme Court in which court records are omitted or incorrectly given may be corrected by Supreme Court or on motion of party to cause; appeal not to be dismissed until opportunity given to make corrections. 2§ '05 ch.28 art.4, 15 Mr
- y3 **Or.** Amdg. Ann.C.&S. §2238 rel. to appeal from Justices Court. 1§ '05 ch.134, 21 F
- y4 **Pa.** Amdg. '76 ch.23 §1 rel. to appeals to Court of Quarter Sessions from summary conviction before magistrate or court not of record. 1§ '05 ch. 196, 22 Ap
- y5 **Pa.** Trial court on reserving or denying request for binding instructions to certify evidence for appeal. 1§ '05 ch.198, 22 Ap
- y6 **Tenn.** Facilitating trial of causes in Circuit Courts appealed from justices of peace. 2§ '05 ch.8, 3 F
- y7 **Tex.** Amdg. R.C.S.'95 art.1371 rel. to amdt. of motions for new trial: grounds. 1§ '05 ch.18, 24 F
- y8 **Tex.** Defective bond filed in appeal may be amended. 1§ '05 ch.115, 15 Ap
- z **U.** Amdg. R.S.'98 §3747: adverse party may waive undertaking on appeal from Justices Court. 1§ '05 ch.25, 27 F
- z1 **Vt.** Supreme Court after remanding appeal from Chancery may rehear or amend before enrolment of decree. 2§ '04 ch.55, 10 D
- z2 **Wash.** Amdg. Ballinger's Ann.C.&S.'97 §6754: appeal from Justices Court allowed on judgment *exceeding* \$20. 1§ '05 ch.20, 15 F

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Exceptions

- a **Cal.** Amdt., settlement & engrossment of bill of exceptions in criminal proceeding. Adds Pen.C. §1177. 1§ '05 ch.374, 20 Mr
- b **Ga.** Amdg. C.'95 §5536 ¶1: evidence omitted by trial judge from certified bill of exceptions may be included in main bill by supplemental certificate of trial judge. 1§ '05 p.84, 22 Ag

- c Ind. "An act providing for extension . . . of time within which to file bill of exceptions." 1§ '05 ch.40, 25 F
- d U. Amdg. R.S.'98 §3286 rel. to bill of exceptions. 1§ '05 ch.7, 15 F

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Judgments

- a Cal. Amdg.C.C.P. §585 rel. to entry of judgment by default. 1§ '05 ch.47, 3 Mr
- b Cal. Amdg.C.C.P. §890 rel. to dismissal of action without prejudice. 1§ '05 ch.51, 3 Mr
- c Cal. Action to be dismissed unless brought to trial 5 yrs after defendant has filed answer. Adds C.C.P. §583. 1§ '05 ch.271, 18 Mr
- d Cal. Amdg. C.C. §3366: specific relief may be given as provided by law [in cases enumerated in C.C. div.4 pt1 t.3]. 1§ '05 ch.465, 21 Mr
- e Mon. Amdg. C.C.P. §1020 rel. to entry of judgment by default. 2§ '05 ch.59, 2 Mr
- f Neb. Rep. '89 ch.30 §2 which authorized filing of transcript of judgment & decree of U. S. Circuit & District Court in the several counties. 1§ '05 ch.173, 30 Mr
- g N. Y. Amdg. C.C.P. §1251 rel. to form of docketed judgment to create lien on debtor's realty. 1§ '05 ch.432, 16 My
- h N. Y. Amdg. C.C.P. §1774 as to entry of interlocutory & final judgments in matrimonial action. 1§ '05 ch.537, 18 My
- i Okl. Amdg. S.'93 §4310, 4613: judgment of Court of Record or U. S. courts to become lien on real estate, *after entering on docket*; keeping of judgment docket. 3§ '05 ch.28 art.3, 15 Mr
- j U. Amdg. R.S.'98 §3272 rel. to order for exam. of judgment debtor. 1§ '05 ch.18, 24 F
- k U. Amdg. R.S. '98 §3199: docket *or index* to contain names of *judgment debtors* [defendants]. 1§ '05 ch.20, 24 F
- m U. Copy of docketed judgment may be filed & execution issued in any county of state. 1§ '05 ch.33, 3 Mr
- n Wis. Judgment collected in civil action to be restored on reversal; retention of collected judgment pending new trial; deposit of judgment collected pending appeal. Adds S.'98 §2894 b-c. 2§ '05 ch.132, 29 Ap
- p Wis. Amdg. S.'98 §4043: judgments over \$10 in favor of estate against person presenting claim when docketed to be lien on real estate. 1§ '05 ch.137, 29 Ap
- q Wy. Amdg.R.S.'99 §3607 rel. to entry of judgment by default. 1§ '05 ch.62, 20 F
- r Wy. Amdg. R.S.'99 §4374: judgment by default may be entered in Justices Court on sworn account. 1§ '05 ch. 73, 21 F

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Executions. Judicial sales

See also 451, Exemption from execution

- a Ct. Amdg. G.S.'02 §1522 rel. to execution of judgment stopped by pendency of appeal to Supreme Court of Errors. 1§ '05 ch.70, 18 My

CIVIL LAW ADMINISTRATION OF JUSTICE

- b Del. Amdg. '03 ch.457: extending time for renewal of judgment liens on realty in Kent & Sussex counties to Jan. 1, 1906. '04 ch.2, 30 D
- c Del. Rev. '03 ch.457 rel. to limiting of judgment liens on real estate in Kent & Sussex counties. '05 ch.200, 16 Mr
- d Me. Amdg. R.S.'03 ch.114 §25: creditor must present original petition & subpoena at exam. of judgment debtor; penalty. 1§ '05 ch.37, 7 Mr
- e N. H. Amdg. P.S. ch.233 §20-21 as to notice to debtor of sale under execution. 2§ '05 ch.16, 9 F
- f N. C. Validation of judgments under which sales of contingent remainders, executory devise or other limitation, have been made; proviso. 1§ '05 ch.93, 3 F
- g N. C. Amdg. '85 ch.38 §1 rel. to publication of notice of sale under trust deed, mortgage or other contract. 2§ '05 ch.147, 10 F
- h N. C. Execution to issue on judgment from Superior Court only when docket in county where process is sought. 1§ '05 ch.412, 4 Mr
- i N. C. Municipality purchasing real estate at trustee's or mortgagee's sale entitled to deed; retroactive. 2§ '05 ch.526, 6 Mr
- j Okl. Amdg. S.'03 §4747: undertaking & sufficiency of sureties in stay of execution of judgment or order to be approved by judge or clerk; extension of time for completing case made. 1§ '05 ch.28 art.7 §4, 16 Mr
- k Pa. Amdg. '36 ch.191 §106-7 rel. to petition of purchaser at execution sale to be placed in possession; jury of 6 [12] to decide disputed facts. 2§ '05 ch.91, 8 Ap
- m Pa. "An act . . . defining rights . . . & liabilities of purchasers of real estate at judicial sales, & of their grantees, heirs & devisees & of persons then in possession." Rep. sundry acts rel. to judicial sales. 19§ '05 ch.178, 20 Ap
- n Pa. Form of sheriff's & coroner's deed; acknowledgment, delivery & recording fees. 6§ '05 ch.185, 22 Ap
- p S. D. Amdg. Justices Code §81: execution may issue within 10 yrs on judgment of justice of peace duly filed in Circuit Court. 2§ '05 ch.93, 8 Mr
- q U. Amdg. R.S.'98 §3232 rel. to issue of execution on docketed judgment. 1§ '05 ch.31, 3 Mr
- r Wash. Judgment lien ceases after 6 yrs & shall not be revived. '97 ch.39, 6 Mr. *Unconst.* as to existing choses in action impairing obligation of contracts. *Howard v. Ross* 80 P.819 (1905), *Fischer v. Kittinger* 81 P.551 (1905).
- s Wis. Publication of notice of sale of real estate on execution. Adds. S.'98 §2993 subdiv.4. 1§ '05 ch. 100, 22 Ap

737

Costs. Bonds

- a Ct. "An act concerning reports of forfeited bonds & recognizances." 2§ '05 ch. 27, 2 My
- b Ind. Civil, Criminal or Probate Court may accept cash or certified check in lieu of bond. 1§ '05 ch.20, 17 F

- c **Neb.** Amdg. C.S.'03 §3517: party against whom judgment is rendered in District Court to pay \$1 fee for trial by court *or by jury* to be taxed as costs. 3§ '05 ch. 68, 4 Ap
- d **N. C.** Clerk of Superior Court to send bill with transcript of case for appeal to Supreme Court; to be taxed as costs in higher court. 1§ '05 ch. 456, 4 Mr
- e **S. D.** Court costs in certain actions rel. to public lands. 2§ '05 ch. 159, 24 F
- f **Tenn.** Amdg. C.'96 §4894 rel. to bonds on appeal from judgments in certain actions. 1§ '05 ch. 89, 27 Mr
- g **Wash.** Amdg. Ballinger's Ann.C.& S.'97 §6561 rel. to security for costs of nonresident plaintiff in Justices Court. 1§ '05 ch. 10, 3 F
- h **Wash.** Amdg. Ballinger's Ann.C.& S.'97 §5173 rel. to costs in civil action. 1§ '05 ch. 16, 14 F
- i **Wash.** Atty. Gen. to issue required bond in action in which state is party. 1§ '05 ch. 99, 9 Mr
- j **Wis.** Payment of expenses of civil actions by or against state. 1§ '05 ch. 48, 29 Mr
- k **Wis.** Amdg. S.'98 §2940 as to payment by county of costs on change of venue *or where action occupying day or more is tried outside of county where pending*. 1§ '05 ch. 254, 25 My
- m **Wis.** Amdg. S.'98 §2949, 3072 rel. to costs in Supreme Court; costs on reversal of judgment. 3§ '05 ch. 365, 14 Je

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Special actions

741

Attachment

See also 451, Exemption from execution

- a **Cal.** Amdg. C.C.P. §868 rel. to writ of attachment issued by Justices Court. 1§ '05 ch. 222, 18 Mr
- b **Cal.** Amdg. C.C.P. §537 rel. to basis for issue of attachment & affidavit to support. 1§ '05 ch. 363, 20 Mr
- c **Col.** Amdg. G.S.'83 §2000 rel. to grounds for issue of writ of attachment from Justices Court. 1§ '05 ch. 118, 10 Ap
- d **Ct.** Amdg. G.S.'02 §853: form of attachment bond. 1§ '05 ch. 32, 2 My
- e **Del.** Piano, attachments & organ leased or hired exempt from attachment for rent. 2§ '05 ch. 201, 30 Mr
- f **Kan.** Amdg. G.S.'01 §5273: judgment for defendant not to discharge attachment or garnishment if plaintiff perfects appeal in time. 3§ '05 ch. 337, 3 Mr
- g **Kan.** Requiring personal service of writ where attachment or garnishment of wages earned outside state is sought in action arising without jurisdiction. 1§ '05 ch. 523, 4 Mr
- h **Me.** Rep. R.S.'03 ch. 60 §26 exempting receipts of agricultural societies from attachment. 1§ '05 ch. 14, 21 F
- i **Me.** Amdg. R.S.'03 ch. 83 §23 rel. to new service of defective writ of attachment. 1§ '05 ch. 61, 15 Mr
- j **N. H.** Amdg. P.S. ch. 220 §16 rel. to attachment of bulky articles; penalties for waste. 4§ '05 ch. 43, 8 Mr

CIVIL LAW ADMINISTRATION OF JUSTICE

- k Okl. Amdg. S.'07, 417: in action on unmatured claim against debtor conveying property in fraud of creditors, plaintiff, before attachment issued or action maintained, to make written oath giving grounds of attachment, nature of claim, etc. 1§
'05 ch.28 art.7 §5, 16 Mr
- m Okl. Rep. S.'03 §4417-21, 4423 rel. to attachments. 1§
'05 ch.28 art.7 §6, 16 Mr
- n Pa. Amdg. '36 ch.568 §44: writ of foreign attachment may be issued against property of nonresident *in actions ex contractu & in those ex delicto for tort committed in state*. 2§
'05 ch.54, 30 Mr
- p Wy. Amdg. R.S.'99 §4452 rel. to ground for issue of attachment. 1§
'05 ch. 38, 15 F
- 742 **Garnishment**
- a Ct. Amdg. '03 ch.95 rel. to garnishment of wages on foreign attachment. 1§
'05 ch.195, 29 Je
- b Ill. Salary of public officer or employee subject to garnishment; procedure. 8§
'05 p.285, 11 My
- c N. M. Amdg. C.L.'97 §3299 rel. to costs in garnishment proceedings. 2§
'05 ch.133, 16 Mr
- d N. Y. Amdg. C.C.P. §1391: judgment creditor for necessities or services may secure execution against salary in excess of \$12 [\$20] a week; to apply to mun. employee. 1§
'05 ch.175, 11 Ap
- e N. D. Amdg. R.C.'99 §5382: creditors may proceed by garnishment against public corp. 1§
'05 ch.69, 11 Mr
- f Pa. Amdg. '76 ch.110 §1 rel. to attachment of wages in suit to recover for board & lodging. 1§
'05 ch.99, 10 Ap
- g Tenn. Amdg. '71 ch.71 §1: 90% of salary when \$40 a mo. or less exempt from garnishment; \$36 exempt, when salary exceeds \$40 a mo.; proviso. 3§
'05 ch.376, 13 Ap
- h U. Amdg. R.S.'98 §3095, 3098 as to exam. & fees of garnishee & taxation of costs. 2§
'05 ch.37, 7 Mr
- i U. Salary of state official or employee subject to garnishment. 2§
'05 ch.96, 9 Mr
- j Vt. Amdg. S. §1312: where trustee process has issued for part of money due on contract balance shall be exempt if suit is brought against trustee on other debts. 1§
'04 ch.62, 9 D
- k Wis. Amdg. S.'98 §3716 as to affidavit & summons against more than one garnishee. 1§
'05 ch.72, 11 Ap
- m Wis. Garnishee may furnish bond for discharge or appeal. Adds S.'98 §3721a. 1§
'05 ch.173, 8 My

Contracts, *see* 453Divorce, *see* 489Foreclosure, *see* 406, 410Partition, *see* 385Probate procedure, *see* 429

746

Replevin

- a Ind. Replevin may be brought before mayor or justice of peace without bond; defendant to retain chattel; judgment for return or value & damages. 1§
'05 ch.26, 21 F

- b Pa. Amdg. '01 ch.61 §3: in replevin suit property for loss of which damages would be inadequate may be impounded on giving security for charges. 2§ '05 ch.119, 14 Ap
- c Tenn. Amdg. C.'96 §5152 rel. to judgments before justices of peace in replevin cases. 1§ '05 ch.31, 26 Ja
- d Wis. Amdg. S.'98 §3733: affidavit for warrant of replevin may be amended by substituting amended affidavit before trial of action. 1§ '05 ch.155, 3 My

747

Search warrants

- a Cal. Amdg. Pen.C. §1541 rel. to return of search warrant & deposition taken before magistrate to court competent to take jurisdiction. 1§ '05 ch.546, 21 Mr

748

Title and possession of property

See also 381

- a Cal. Amdg. C.C. §793 rel. to action to recover real property where right of reentry was reserved. 1§ '05 ch.438, 21 Mr
- b Ga. Proceedings to remove cloud on title to real estate. 3§ '05 p.102, 22 Ag
- c Kan. Rep. G.S.'01 §5086 which allowed party defeated in ejectment suit to demand second trial. 1§ '05 ch.333, 8 Mr
- d Neb. Rep. C.S.'03 §7209-10 allowing 2 trials for recovery of real property. 1§ '05 ch.175, 29 Mr
- e N. Y. Amdg. C.C.P. §1671 as to cancelation of notice of pendency of certain actions to recover real property on deposit or filing of undertaking. 1§ '05 ch.60, 15 Mr
- f N. D. Amdg. R.C.'99 §5908-9 rel. to actions to determine adverse claims to real estate: unknown defendants. 3§ '05 ch.4, 13 Mr
- g Pa. Alias writ of possession justifying use of force may issue against lessee 10 days after refusal to vacate in obedience to judgment terminating tenancy. 2§ '05 ch.100, 10 Ap
- h S. D. Amdg. '03 ch.194: action to determine title of realty may be brought by one claiming fee, *lien or interest*; personal service of summons outside state to be deemed "personal" service. 10§ '05 ch.81, 25 F

Torts, *see* 468

749 **Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias**

- a N. Y. Amdg. tax law '96 ch.908 §254 rel. to costs in certiorari proceedings against tax assessor. 2§ '05 ch.281, 22 Ap
- b N. C. Amdg. C. §344, 346: injunction for over 20 days to be granted only after 2-10 days [due] notice & modified or vacated on same notice. 2§ '05 ch.26, 24 Ja
- c N. C. Amdg. '99 ch.164 §23 rel. to mandamus to enforce judgments of State Corp. Com'n. 2§ '05 ch.107, 4 F
- d Okl. Amdg. S.'03 §4429: injunction bond to include atty.'s fee. 1§ '05 ch.28 art.2, 15 Mr
- e Tex. "An act regulating injunctions in local option elections & cases." 1§ '05 ch.69, 7 Ap

FINANCE

750

ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code.

770

Finance. Public property

See also 2237, School finance; 2550, Local finance

772

Domain. Property

774

Public lands

See also 2240, School lands

- a **Cal.** Msdr. to prevent or obstruct lawful entry upon U.S. public land. Adds Pen.C. §420. 1§ '05 ch.516, 21 Mr
- b **Col.** Gen. law rel. to public lands. 58§ '05 ch.134, 12 Ap
- c **Id.** Public lands: powers & duties of State Bd of Land Com'rs created by Const. 1889 art.9 §7: appointment of register & of State Land Com'r by bd; leases and sales; investment of proceeds. Rep. sundry laws. 31§ '05 p.131, 2 Mr
- d **Id.** \$5000 for investigation of condition of various funds resulting from donation of U.S. lands, including all timber & other lands selected by state. 1§ '05 p.226, 9 Mr
- e **N. M.** Creating Territorial Land Office & Com'r; sale, lease & management of public land & disposition of proceeds. Rep. '99 ch.74 except §2, '03 ch.78. 53§ '05 ch.111, 16 Mr
- f **Or.** Amdg. Ann. C. & S. §3298: salary of Land Clerk \$2400 [\$1800]. 1§ '05 ch.114, 18 F
- g **Pa.** "An act rel. to granting . . . vacant or unappropriated land . . . conveyance to . . . Forestry Com'n where desirable for forest culture or preservation & preventing granting of warrants for beds of navigable rivers." 6§ '05 ch.50, 28 Mr
- h **Tex.** Limiting time to bring suit for school, univ. or asylum lands. 2§ '05 ch.29, 16 Mr
- i **Tex.** Atty. Gen. to bring action for value of property taken from public land. 6§ '05 ch.32, 22 Mr
- j **Tex.** Sale & lease of school & asylum land. 12§ '05 ch.103, 15 Ap
- k **Wash.** Irrigation, improvement & sale of land granted to state. 15§ '05 ch.61, 3 Mr
- m **Wis.** Amdg. S.'98 §186 as to records of public lands held in trust for U.S. 1§ '05 ch.354, 12 Je
- n **Wy.** Creating office of Com'r of Public Lands; biennial report to Leg. Rep. R.S.'99 §788-91, 938, 952, '03 ch.78 §6-8, 10. 11§ '05 ch.36, 15 F

776

Sale. Settlement. Appraisal

- a **Cal.** "An act forfeiting to state payments for state lands where fraudulent title was sought to be obtained thereto." 1§ '05 ch.332, 20 Mr
- b **Id.** Generally amdg. R.S.'87 pt1 t. 12rel. to disposal of town sites or other parcels of land entered on public lands of U.S.; distribution of proceeds. 14§ '05 p.84, 13 Mr
- c **Minn.** Appraisal & sale of state lands. 2§ '05 ch.162, 13 Ap
- d **Minn.** Land Com'r may advertise sales of public land & publish statistics of state's resources. 1§ '05 ch.201, 15 Ap

- e Minn. Terms for sale of public lands received under U.S. grant.
5§ '05 ch.299, 19 Ap
- f N. Y. Rep. §51 of public land law '94 ch. 317 which gave original
owner preference for 1 yr to buy back canal land abandoned by state.
1§ '05 ch.451, 16 My
- g N. D. Amdg. R.C.'95 §2516-22 rel. to disposal of unclaimed lots in
town sites on U. S. public lands; transfer of trust property; surplus
proceeds of sale may be used for constructing school buildings. 7§
'05 ch.183, 6 Mr
- h Or. State Land Bd to execute satisfaction of mortgage on lands
purchased from state without acknowledgment. 1§ '05 ch.28, 6 F
- i Tenn. Amdg. '03 ch.416 §1 which repealed all laws authorizing
grants of land; exceptions. 1§ '05 ch.459, 15 Ap
- j Tex. Amdg. '03 ch.97 §1, 3, 4 rel. to sale of school, univ. &
asylum land to railroad co. 3§ '05 ch.46, 27 Mr
- k U. Amdg. '99 ch.64 §1, 4, 9, 32, 34 rel. to State Bd of Land Com'rs.
5§ '05 ch.36, 7 Mr
- m Wis. Amdg. S.'98 §209: public lands to be sold for cash only,
paid at time of sale [20% down & balance in 60 days]. 1§
'05 ch.184, 8 My

777

Deeds. Titles

- a Ind. Gov. to issue patents for Michigan road lands. 1§
'05 ch.106, 4 Mr
- b Kan. Amdg. G.S.'01 §6765 as to issue of duplicate to replace lost
or destroyed patent to state land. 2§ '05 ch.483, 4 Mr
- c Mich. Deeds of state tax lands reserved under homestead right
to be prima facie evidence of title in fee in grantee. 1§
'05 ch.211, 13 Je
- d Mo. Amdg. R.S.'99 §8159 rel. to correction of erroneous descrip-
tion in patent to saline, seminary or state land. 1§
'05 p.179, 10 Ap
- e Neb. Title to land patent, issued by state to person dying before
date of patent, to be vested in representative. 1§ '05 ch.64, 9 F
- f Nev. Amdg. '85 ch.85 §1 as to dismissal of action rel. to title to
public lands for failure to prosecute with diligence; land & money
forfeited. 2§ '05 ch.103, 17 Mr
- g N. C. Grants of land from state may be registered till Jan. 1, 1907.
2§ '05 ch.6, 14 Ja
- h S. D. Amdg. C.C. §961 rel. to recording & admission in evidence
of state patents, contracts for sale of lands of state & certified copies
of same. 2§ '05 ch.149, 11 F

778

Tide, shore and swamp lands

- a Ind. Atty. Gen. may appoint assistants for prosecution of claims
against U.S. rel. to swamp land. 3§ '05 ch.75, 3 Mr
- b Wash. Appraisal & payment for improvement of tide land leased
from state. 4§ '05 ch.173, 13 Mr

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Timber

- a Minn. "An act rel. to sale of timber on state lands, defining tres-
pass thereon & prescribing penalties. . . " 44§ '05 ch.204, 17 Ap

FINANCE

- b Wis. Com'rs of Public Lands may sell timber on public lands damaged by wind or fire. 1§ '05 ch.322, 9 Je

779 Buildings. Property and supplies

- a Mich. Contractor on public building or works to give bond for payment of subcontractor & labor & material. 4§ '05 ch.187, 7 Je
b Neb. Board of Public Lands & Buildings may use unoccupied state property to relieve overcrowding of insts. or lease same. 1§ '05 ch.150, 4 Ap

780 Buildings and grounds

- a Cal. Watchman at Capitol or Gov.'s mansion to have power of peace officer; salary \$1200. Adds P.C. §421. 1§ '05 ch.16, 20 F
b Cal. Amdg. '76 ch.325 §3 rel. to publication of requests for bids to erect or repair public building. 1§ '05 ch.352, 20 Mr
c Ct. Selection of architect & plans for public building. 6§ '05 ch.144, 16 Je
d Ill. Creating com'n to select site & supervise construction for Supreme Court building at Springfield; \$350,000. 8§ '05 p.76, 18 My
e Nev. \$40,000 for erection of State Library & Supreme Court building at Carson City; Bd of Capitol Com'rs to locate site & erect building. 8§ '05 ch.49, 13 Mr
f Nev. Appropriating \$8000 for purchase of building at Carson City for storage of military stores & other state property. 2§ '05 ch.104, 17 Mr
g N. J. State building at St Louis Exposition to be reerected at state camp at Sea Girt; \$15,000. 1§ '05 ch.78, 30 Mr
h N. D. Reconstruction of State Capitol, & erection of Gov.'s mansion; proceeds of sale of public building lands at capital to form fund; issue of interest-bearing certificates to \$600,000 against such fund. 14§ '05 ch.166, 3 F
i N. D. Amdg. R.C.'99 §338: \$24,000 [\$18,000] annual appropriation for maintenance of Capitol & executive mansion. 1§ '05 ch.17, 14 Mr
j S. D. Money not to be paid for site for public building till copy of deed in fee, abstract of title & opinion of Atty. Gen. as to validity are obtained. 2§ '05 ch.97, 10 Mr

781 Capitol

- a Ct. Amdg. G.S.'02 §4811: salary of Capitol Superintendent \$1800 [\$1600]; assistant \$1600 [\$1400]. 1§ '05 ch.278, 19 Jl
b Id. Com'n to prepare plans for enlargement or rebuilding of Capitol; expenditure limited to \$350,000; bond issue. 16§ '05 p.155, 3 Mr
c Ky. Amdg. '04 ch.2 §1: authorizing change of Capitol site within city of Frankfort & providing for acquisition of lands. 2§ '05 ch.1 (ex. sess), 14 F
d Mon. National flag to be displayed daily on Capitol except in inclement weather. 4§ '05 ch.31, 21 F
e Pa. Com'n to be appointed to arrange for dedication of Capitol; \$50,000. 2§ '05 ch.306, 11 My
f S. D. Construction of new Capitol; \$150,000. 4§ '05 ch.163, 2 Mr

- g **Vt.** "An act to prohibit distribution of advertising matter or soliciting subscriptions in or about the State House." 2§
'04 ch.9, 9 D
- h **Wis.** Organization & duties of com'n appointed by '03 ch.399 to provide accommodations for State Law Library & judicial department of state. 12§
'05 ch.516, 21 Je
- 782 **Executive mansion**
 - a **Fla.** Com'n to be appointed to select site & build executive mansion; \$25,000 conditional appropriation. 5§
'05 ch.101, 29 My
- 783 **State architect**
 - a **Ill.** Amdg. '99 p.79 §2: state inst. employing State Architect to pay traveling expenses not exceeding 1½% of work done. 1§
'05 p.79, 16 My
 - b **Kan.** Appointment of State Architect. Rep. G.S.'01 §6701-3. 8§
'05 ch.489, 1 Mr
 - c **Neb.** Abolishing office of State Architect provided for by C.S.'03 §5976-79. 1§
'05 ch.149, 30 Mr
- 784 **Property and supplies generally**
 - a **Mich.** Certain state & institutional bds may make rules for care of state property over which they have jurisdiction & control. 6§
'05 ch.80, 1 My
 - b **Vt.** Amdg. S. §326 rel. to sale & lease of state property by auditor. 1§
'04 ch.22, 8 D
- 786 **Custody of personal property**
 - a **Cal.** Amdg. Pen.C: §76 as to penalty for unlawful refusal by public officer to surrender property to successor. 1§
'05 ch.482, 21 Mr
- 787 **Contracts and supplies**
 - a **Del.** Regulating furnishing of state supplies. 6§ '05 ch.82, 23 Mr
 - b **Neb.** Amdg. Ann.S.'03 §11401, 11412: *annual* [quarterly] letting of contracts by State Printing Bd for dep't supplies; emergency supplies. 3§
'05 ch.102, 1 Ap
- 788 **Importation of supplies**
 - a **N. D.** Amdg. R.C.'99 §1030 rel. to use of native or lignite coal in public inst. 1§
'05 ch.132, 11 Mr
- 789 **Officers: interest in contracts**
 - a **Vt.** State officer not to derive personal benefit from official contract. Supplements S. ch.225. 1§
'04 ch.154, 8 D
- 790 **State institutions**
 - a **Cal.** State insts. to exchange surplus products under direction of Bd of Examiners. 5§
'05 ch.191, 18 Mr
 - b **Id.** Purchase of supplies for state inst.; state educational inst. excepted. 5§
'05 p.38, 23 F
 - c **Mass.** Amdg. R.L. ch.208 §112 rel. to trespassing on land of certain state insts. 1§
'05 ch.434, 23 My
 - d **N. H.** Supplies for state inst. to be purchased on competitive bids; exceptions; penalties. 3§
'05 ch.120, 10 Mr

FINANCE

- e **N. J.** State Treasurer & Compt. may acquire land necessary for state institutional purposes after specific appropriation. 1§
'05 ch.93, 3 Ap
- f **N. Y.** Amdg. charities law '06 ch.546 §48-49 rel. to supplies for state inst.; joint contracts. 2§
'05 ch.457, 16 My
- g **W. Va.** Contracts for fresh meats & breadstuffs used in state inst.; procedure. 1§
'05 ch.71, 24 F
- 791 **Insurance**
 - a **Del.** Sec. of State may reinsure state property on expiration of policies. 1§
'05 ch.239, 30 Mr
 - b **N. C.** Amdg. '01 ch.710 §1-2 public buildings to be insured in discretion of Insurance Com'r within appropriation for that purpose. 2§
'05 ch.441, 4 Mr
 - c **Vt.** Amdg. S. §233: sergeant-at-arms, with consent of State Librarian & Auditor, may insure State House & contents against fire. 1§
'04 ch.13, 10 D
- 792 **Sale of property**
 - a **Nev.** State Compt. to sell obsolete revenue stamps & credit to gen. fund. 1§
'05 ch.74, 7 Mr

Public works

State departments

796 State engineer. Surveyor

- a **Nev.** Amdg. '03 ch. 4 §3 rel. to qualifications of State Engineer. 1§
'05 ch.91, 16 Mr
- b **Wy.** Amdg. R.S.'99 §108 rel. to fees of State Engineer. 1§
'05 ch.82, 21 F

State parks

See also 1894. Forest preserve; 2369. Scenic and historic places

- a **Kan.** Establishing public park at Ft Hays Military reservation in conformity with act of Congress Mar. 28, 1900. 1§
'05 ch.479, 4 Mr
- b **Mass.** Amdg. '03 ch. 264 §1: extending time for creating Mt Tom State reservation till Ap. 1, 1906 [1905]. 2§
'05 ch.413, 17 My
- c **Minn.** Establishing Minneopa State park in Blue Earth county; \$5000. 6§
'05 ch.297, 19 Ap
- d **N. Y.** Certain land to be included in Niagara State reservation. Adds §97a to public lands law '94 ch.317. 1§
'05 ch.508, 17 My
- e **U.** Creating State Bd of Park Com'rs; act to take effect on granting of certain land to state by Congress; \$2000 annual appropriation. 6§
'05 ch.34, 4 Mr
- f **Wis.** Extending 2 yrs term of Com'r on State Parks appointed by '03 ch.232; to report to Gov. by Mar. 1, 1906 [1904] as to establishment of state parks at *Dells of Wisconsin*. 2§
'05 ch.169, 4 My

800

Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing. *See also 2713. Road taxes.*

- a **Ga.** Joint leg. committee to consider revision of tax laws; report to Leg. of 1906.
'05 p.1259, 22 Ag

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- b Ill. Amdg. '72 p.1 §1, 3, 32, 108 rel. to assmt. of taxes; valuation of personalty; capital stock of corp. except banks; duties of Bd of Equalization. 4§ '05 p. 353, 18 My
 - c Ill. Amdg. '98 p.34 §10, 13, 14, 29, 35, 43 rel. to levy & extension of taxes. 6§ '05 p.360, 18 My
 - d Me. Amdg. R.S.'03 ch.9 §41-43 rel. to taxation of land in unincorporated places. 3§ '05 ch.69, 15 Mr
Amended. '05 ch.150, 24 Mr
 - e Mich. Amdg. '93 ch.206 §145-50, 152-54 rel. to State Bd of Tax Com'rs: appointment; duties; sec. & chief clerk; assmt. of taxes. 9§ '05 ch.281, 16 Je
 - f Minn. Submitting amdt. to Const. 1857 as substitute for art.9 §1-4: power of taxation indestructible; taxes to be uniform & for public purpose; exemptions; special assmts. Vote Nov. 1906. 3§ '05 ch.168, 13 Ap
 - g N. J. "An act to abolish State Bd of Taxation & to create . . . Bd for equalization, revision, review & enforcement of tax assmts." 12§ '05 ch.67, 29 Mr
 - h N. C. Rev. '03 ch.247 rel. to assmt. & collection of taxes. 94§ '05 ch.588, 6 Mr
 - i N. C. Rev.'03 ch.251 rel. to procedure in assmt. & collection of taxes. 108§ '05 ch.590, 6 Mr
 - j R. I. Amdg. G.L. ch.29 §2, ch.44 §1, ch.45 §3, 9, 10, ch.46 §12 rel. to taxation of real & personal property. Rep. ch.45 §11-15. 7§ '05 ch.1246, 11 My
 - k Tex. Amdg. R.C.S.'95 art.5087 rel. to taxation of timber purchased from state. 1§ '05 ch.52, 31 Mr
 - m Vt. Amdg. S. §5322 rel. to compensation of Tax Com'r & clerk. 1§ '04 ch.165, 10 D
 - n Wash. Creating State Bd of Tax Com'rs; to supervise taxation throughout State; biennial report to Gov. 6§ '05 ch.115, 9 Mr
 - p W. Va. Amdg. C. ch.29 §46 defining terms, "personal property," "real estate" & "real property" for assmt. purposes. 1§ '05 ch.38, 11 F
 - q W. Va. Generally amdg. C. ch.29 §6-135 rel. to taxation. 132§ '05 ch.35, 24 F
 - r Wis. Creating State Tax Com'n; abolishing office of State Tax Com'r & 2 assistant tax com'rs; biennial report to Gov. Rep. by implication. '99 ch.206, '01 ch.237. '05 ch.380, 15 Je
- 803 Temporary commissions and special investigations
- a Cal. Joint leg. committee of 4 to examine & report on state system of revenue & taxation. '05 p.1067, 10 Mr
 - b Cal. Joint leg. com'n to investigate state system of revenue & taxation & recommend plan for revision; employment of financial expert; \$10,000. 6§ '05 ch.334, 20 Mr
 - c N. J. Questions of valuation of property & evasion & equalization of taxes to be referred to State Bd of Equalization who shall from time to time recommend appropriate legislation. 1§ '05 p.567, 2 Je
 - d Or. Com'n to be appointed to investigate method of assmt. & collection of state taxes & to prepare tax code; report to Leg. of 1907. 16§ '05 ch.90, 18 F

FINANCE

808

Taxation of personal property

See also 823, Assessment

- a Wis. Ships, boats & vessels belonging to inhabitants of state to be taxed as personal property. Rep. '01 ch.192. 2§ '05 ch.487, 20 Je

809 **Money and securities**

Laws relating to assessment included. See also 841, Corporation taxes

- a N. J. Rep. '03 ch.208 in so far as it rep.R.S.'74 p.64 & all prior acts affecting deduction of loan ass'n mortgages from assessed valuation of property. 1§ '05 ch.243, 19 My
- b N. Y. 5 mill tax on debts secured by mortgage; exemptions; levy & collection; appeals; enforcement of delinquent taxes. Adds art.14 to tax law '96 ch.908. 25§ '05 ch.729, 3 Je
- c N. C. Rep. all laws exempting mun. bonds from state or local taxes; municipality may exempt its bonds from local taxes. 1§ '05 ch.532, 6 Mr
- d Wis. Amdg. S.'98 §1038 subdiv.10: national, state bank or corporate stock not exempt from taxation. 1§ '05 ch.214, 16 My

810

Exemptions from general property tax

See also under special classes of taxes; also 1283, Railways; 1633, Encouragement of industries

- a Ill. Amdg.'72 p.1 §2 rel. to property exempt from taxation. 1§ '05 p.357, 18 My
- b Ind. Amdg. '95 ch.15 §1 rel. to exemption of cemetery property from taxation. 1§ '05 ch.110, 4 Mr
- c Mo. Agricultural or pastoral land included within limits of 4th class city to be exempt from taxation till platted in 5-acre lots. R.S. '89 §1580. *Unconst.* Const. art.10 §3, 7 requires uniformity in taxation & abolishes all but specified exemptions. *State v. Birch* 85 S. W. 361 (1905).
- d N. J. Mortgage on property exempt from taxation, also exempt. Supplements '03 ch.208. 1§ '05 ch.161, 17 Ap
- e N. M. Amdg. C.L.'97 §1757: widow exempt from certain taxes as head of family. 2§ '05 ch.27, 3 Mr
- f O. Amdg. Const.1851 art.12 §2: state, local gov't & school bonds to be exempt from taxation. Adopted Nov. 1905. '04 p.652, 25 Ap
- g Tex. Amdg. R.C.S.'95 art.5065 rel. to exemptions from taxation: rent & profit of buildings of charitable inst.; public charity inst. defined; U. S. pension exempt. 11§ '05 ch.127, 15 Ap
- h Wy. "An act exempting bonds issued by state of Wy., or county, school district or municipality within state from taxation." 2§ '05 ch.17, 10 F

812

Charitable, educational and religious institutions and societies

- a Cal. Submitting amdt. to Const.1879 art.9 by adding §13 exempting Cogswell Polytechnical College from taxation; Leg. may revive or modify at will. Vote Nov. 1906. 1§ '05 p.1072, 10 Mr
- b Ind. Mortgages, notes & bonds of State Bd of Agric. exempt from taxation. 1§ '05 ch.27, 21 F

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- c Ind. Personalty & 1 acre of realty of Greek letter fraternity connected with inst. of learning exempt from taxation. 1§
'05 ch.33, 24 F
- d Kan. Building & $\frac{1}{2}$ acre of land used by college soc. as literary hall or dormitory exempt from taxation. 1§ '05 ch.501, 7 Mr
- e N. Y. Realty of pharmaceutic soc. exempt from taxation; \$100,000 in New York & Kings counties, \$50,000 elsewhere. Adds subdiv.19 to '96 ch.908 §4. 1§ '05 ch.446, 16 My
- f Pa. Trust fund for library, museum or art gallery exempt from taxation. 2§ '05 ch.170, 20 Ap
- g Tex. Submitting amdt. to Const. 1876 art.8 §2: endowment fund of educational & religious inst. invested in bonds or mortgages exempt from taxation for 2 yrs after purchase. Vote Nov. 1906. 4§
'05 p.410, 15 Ap
- h Vt. Amdg. S. §364 rel. to class of church & institutional property exempt from taxation. 1§ '04 ch.25, 10 D

816 Veterans and veterans organizations

- a Me. Civil War veterans assessed for less than \$500 exempt from poll tax. 1§ '05 ch.163, 24 Mr

819

Assessment

- a Ari. Compensation of deputy assessors. 2§ '05 ch.28, 9 Mr
- b Cal. Amdg. '83 ch.49 §773, 871 rel. to assmt. & collection of taxes in municipality of 5th or 6th class. 3§ '05 ch.90, 8 Mr
- c Cal. Amdg. P.C. §3650: county assmt. list to contain post-office address of owner of property. 1§ '05 ch.132, 18 Mr
- cr Ct. Amdg. G.S.'02 §2358: town clerk sending abstract of tax lists to Compt. to correct clerical errors appearing on corrected list. 1§
'05 ch.51, 12 My
- d Fla. Amdg.'95 ch.1 §22: timber & turpentine privileges owned separately from land, where owner of land unknown, to be separately assessed. 2§ '05 ch.9, 5 Jo
- e Id. Amdg. '99 p.254 §6, 7: provisions rel. to assmt. & collection of state & county taxes made applicable to *gen. & special* taxes in local divisions & independent school districts within county. 2§ '05 p.4, 8 Mr
- f Ind. Compensation of county assessors. 1§ '05 ch.132, 6 Mr
- g Minn. Village situated in more than 1 county to file on demand certificate of boundaries with several county auditors as basis for taxation. 1§ '05 ch.95, 31 Mr
- h Mo. Amdg. R.S.'99 §5575-78, 5580 rel. to assmts. in city of 2d class. 5§ '05 p.69, 11 Ap
- i Neb. Amdg. C.S.'03 §4943: assessors in counties under 50,000 to receive \$5 a day; annual aggregate fixed according to population of county; [in county of 50,000 - 100,000 salary \$1800]. 1§
'05 ch.110, 3 Ap
- j Neb. Amdg. Ann.S.'03 §10505, 10510, 10512, 10535 rel. to assmt. of taxes: assmt. books; verification of deputy's assmts.; annual revision of real estate assmt. for correction of errors. 5§ '05 ch.111, 3 Ap

FINANCE

- k Neb. Amdg. Ann.S.'03 §10418: county assessor to be elected in 1908 [1903] & every 4 yrs thereafter. 2§ '05 ch.109, 4 Ap
- m N. J. Appointment, term & salary of assessor in county of 15,000-35,000. 4§ '05 ch.45, 22 Mr
- n N. J. Amdg. '93 ch.51 §1: tax bd in 1st class city may appoint chief clerk & [or] sec. 1§ '05 ch.110, 6 Ap
- p N. J. Amdg. '89 ch.296 §2-3: mun. tax clerks not to exceed 25 [20]; salary \$80 - \$125 [\$100] a mo. 2§ '05 ch.122, 11 Ap
- q N. J. Tax com'rs in city of 2d class to take office on 1st Mon. after Jan. 1; compensation not to exceed \$100 each. 2§ '05 ch.130, 12 Ap
- r N. Y. Amdg. '96 ch.908 §20 as to preparation of assmt. list in city of 10,000 with separate bd of assessors. 1§ '05 ch.61, 15 Mr
- s N. Y. Amdg. village law '97 ch.414 §104 rel. to village assmt. rolls. 1§ '05 ch.300, 22 Ap
- t N. D. County auditor to furnish copy of assmt. roll to each township clerk by Mar. 1. 2§ '05 ch.175, 9 Mr
- u N. D. Amdg. R.C.'99 §1283 rel. to assmt. of omitted property; uncollected taxes to be added to subsequent yrs' taxes. 2§ '05 ch.149, 13 Mr
- v Or. Amdg. Ann.C. & S. §2971 rel. to compensation of county assessor; chief deputy in certain counties. Rep. §2970, 2973-75. 4§ '05 ch.186, 21 F
- w Pa. "Establishing in counties . . . of 300,000 - 1,000,000, bd for the assmt. & revision of taxes for state & county purposes. . . " 4§ '05 ch.32, 24 Mr
- x Pa. Qualifications of assessor in 3d class city. Supplements '89 ch.247. 13§ '05 ch.52, 29 Mr
- y Pa. Amdg. '89 ch.332 §5, 7, 8: Auditor Gen. to estimate assets of person or firm subject to taxation on failure to make return. 4§ '05 ch.134, 17 Ap
- z S. C. Duties & compensation of chairman of local bd of assessors. 3§ '05 ch.446, 22 F
- 21 S. D. Powers & duties of state & county bds of assmt. 6§ '05 ch.40, 3 Mr
- 22 S. D. State Bd of equalization & assmt. to hold annual meeting for counsel & instruction of county auditors; state to pay expense of attendance. 2§ '05 ch.42, 3 Mr
- 23 S. D. Amdg. P.C. §1235: term of city assessor to begin Aug. 1 after election. 2§ '05 ch.66, 8 Mr
- 24 Tenn. Rep. '83 ch.161 which provided for appointment of mun. bd of assessors in cities of 8000 - 20,000 according to census of 1880. 1§ '05 ch.231, 4 Ap
- 25 Tex. Amdg. R.C.S.'95 art.5076 rel. to statement of taxable property required of property owner: description of real estate; motor vehicles. 1§ '05 ch.147, 17 Ap
- 26 U. Amdg. R.S.'98 §2516-17, 2519, 2596 rel. to time of making assmts. & time when lien attaches. 4§ '05 ch.125, 17 Mr
- 27 Wis. Reassmt. of property for taxation where original assmt. illegal. 12§ '05 ch.259, 25 My

820

Real estate

- a Ct. Amdg. G.S.'02 §2341 rel. to taxation of property subject to estate for life or yrs: remedy of remainderman on failure of tenant to pay tax. 1§ '05 ch.90, 20 My
- b Me. Construction of abbreviations in tax lists of public lands & unincorporated townships. 1§ '05 ch.137, 22 Mr
- c N. M. County com'rs to procure certified copies of township plats for use of county assessors; filing. 2§ '05 ch.103, 16 Mr
- d S. D. Amdg. P.C. §2108: agricultural & mineral lands to be listed separately for taxation. 2§ '05 ch.48, 20 F
- e Tex. Assmt. & collection of taxes on omitted land. 7§ '05 ch.131, 17 Ap
- f Vt. Amdg. S. §387: quadrennial appraisal of taxable real estate in Aug. [July]. 1§ '04 ch.27, 6 D

823

Personal property

- a Me. Amdg. R.S.'03 ch.9§13 ¶8: taxation of personal estate prior to appointment of executor or administrator. 1§ '05 ch.7, 9 F; Amended. '05 ch.47, 9 Mr
- b Minn. County register of deeds to furnish annually to auditor list of mortgages & real estate securities owned or controlled by residents. 3§ '05 ch.61, 23 Mr
- c Mo. Taxation of private ry. car; proceeds to go for road improvement. 13§ '05 p.269, 15 Ap
- d N. H. Taxation of portable mills. 2§ '05 ch.15, 9 F
- e N. H. Taxation of boats & launches. 1§ '05 ch.25, 16 F
- f Wis. Amdg. S.'98 §1044a as to assmt. of tax against personal property; liability & rights of person assessed for property held by him as representative. 1§ '05 ch.508, 20 Je

824 Domestic animals

Taxation and assessment. *See also* 1889, Dog tax

- a Or. Tax on foreign sheep pastured in or driven through state; exceptions. 4§ '05 ch.156, 21 F
- b Or. Taxation of live stock; migratory stock fund; rebate; penalty. 8§ '05 ch.162, 21 F

825

Review, Equalization, Adjustment

For equalization by state boards. *See also* 800, Taxation (general)

- a Cal. Amdg. P.C. §3805a rel. to cancelation of assmt. upon public land not fully paid for. 1§ '05 ch.91, 8 Mr
- b Ct. Amdg. G.S.'02 §2310 rel. to correction of assmt. lists. 1§ '05 ch.141, 15 Je
- c Ct. Amdg. G.S.'02 §2346 rel. to publication of notice of meeting by town bd of tax relief. 1§ '05 ch.145, 16 Je
- d Ct. Amdg. G.S.'02 §2307: town assessor to give notice before Jan. 20 [Dec. 20] next following of addition to tax list. 1§ '05 ch.154, 21 Je
- e Ct. Amdg. G.S.'02 §2359: deputy treasurer to be clerk of Bd of Equalization. 1§ '05 ch.269, 19 Jl
- f Ga. Amdg. C.'95 §812: arbitrators of disputed tax returns to be citizens of state & to make award within 30 days from date of appointment. 2§ '05 p.68, 22 Ag

FINANCE

- g Ind.** Equalization of assmts. of real & personal property. 6§
'05 ch.57, 28 F
- h Kan.** Appeal from county bd of equalization may be taken within
10 days to District Court. 2§ '05 ch.3, 9 Mr
- i Mich.** State Bd of Equalization: to equalize assmts. on taxable
property every 5 yrs. 9§ '05 ch.248, 16 Je
- j Neb.** Amdg. Ann. S.'03 §10529: State Bd of Equalization & Assmt.
may in equalizing assmts., change assessed valuation of any kind of
property; certification of same to county clerk. 2§ '05 ch.113, 23 F
- k Neb.** Amdg. Ann.S.'03 § 10520: county bds of equalization may
correct gross injustice in valuation of real property at annual meet-
ing, also apportion assessed valuation of entities to parcels of land
into which entities have been divided. 2§ '05 ch.112, 9 Mr
- m N. J.** Notice of meetings of Com'rs for adjustment of delinquent
taxes. Supplements '98 ch.193. 1§ '05 ch.107, 6 Ap
- n N. J.** Amdg. '03 ch.208 §27: com'rs of appeals for review of tax
assmts. to meet 4th Tues. in Nov. [Oct.]. 1§ '05 ch.116, 6 Ap
- p N. M.** Rep. '03 ch.88 §5-9 rel. to equalization of county taxes. 1§
'05 ch.100, 16 Mr
- q Okl.** Amdg. S. '03 §5973 rel. to correction of tax assmts.: taxes to
be decreased or refunded where property destroyed to extent of 50%
of cash value by flood or tornado. 2§ '05 ch.31 art.1, 11 Mr
- r Pa.** Real estate tax assessors in 1st class township to receive
necessary papers 4 mo. prior to day for appeal; compensation \$5 a day.
Supplements '03 ch.215. 2§ '05 ch.173, 20 Ap
- s S. D.** Amdg. P.C. §2098 rel. to organization & duties of bds of
equalization. 2§ '05 ch. 39, 6 Mr
- t Wis.** Correction of mun. tax roll after delivery to treasurer. Adds
S. '98 §1085a. 1§ '05 ch.134, 29 Ap
- u Wis.** Amdg. S.'98 §1210b rel. to reassmt. when tax or tax pro-
ceedings set aside by court. 1§ '05 ch. 292, 1 Je
- v Wis.** Amdg. S.'98 §925 subdiv.139 rel. to city bd of review of
assmts.; common council to fix salaries; cities of 1st & 4th class
excepted. 3§ '05 ch. 310, 5 Je
- w Wis.** Review by State Bd of Assmt. of assmts. of county bds;
appeal from assmts. of county bds; procedure; costs. Rep. S.'98
§1077a, 1077b, '01 ch.10. 13§ '05 ch. 474, 20 Je
- x Wis.** Amdg. '01 ch.445 §1-3, 8 rel. to county supervisors of assmts.
5§ '05 ch.523, 20 Je

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- a Cal.** Amdg. '95 ch.182 §6 rel. to cost of collecting taxes in munici-
palities other than 1st class. 1§ '05 ch.358, 20 Mr
- c Ind.** Cost of collection to be deducted from gross amount of tax
on omitted property. 1§ '05 ch. 15, 17 F
- d Me.** Amdg. R.S.'03 ch.10 §88-93 rel. to collection of taxes on
organized plantations. 7§ '05 ch.86, 18 Mr
- e Mich.** Cancellation of taxes paid but not entered on tax roll.
Adds §98a to '93 ch.206. 1§ '05 ch.212, 13 Je

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- f Mo. Amdg. R.S.'99 §9203-4: term of county revenue collector 4
 [2] yrs. 3§ '05 p.272, 13 Mr
- g Mo. Amdg. R.S.'99 §5587: auditor to deliver assmt. books &
 licenses to the city collector on May 5 [1]. 1§ '05 p.72, 6 Ap
- h Neb. Increasing powers of county treasurer for collection of per-
 sonal taxes in case of deceased tax debtor. 1§ '05 ch.119, 3 Ap
- i N. J. Rep. '03 ch.143 which allowed council in city of 12,000-
 25,000 to provide for election of tax collector for term of 3 yrs. 1§
 '05 ch.225, 5 My
- j N. C. Relieving sheriffs from personal liability through enforce-
 ment of tax laws hereafter declared unconst. 1§ '05 ch.180, 14 F
- k N. C. Where taxpayer removes before payment of tax, sheriff or
 collector to ascertain new residence & forward certificate to local
 officer for collection. 6§ '05 ch.355, 2 Mr
- m Or. Amdg. Ann.C. & S. §3103: sheriff to record name & address
 of taxpayer on stub of receipt book. 1§ '05 ch.53, 10 F
- n Pa. Collector personally liable through expiration of authority
 before collection of taxes in full during or prior to 1905 to have 1 yr to
 collect surplus; provisos. 1§ '05 ch.74, 1 Ap
- p S. D. Amdg. P.C. §1265 rel. to collection of city taxes. 2§
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- q Tenn. County courts may supply tax books when lost or des-
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- r Tenn. Collection of taxes in fractional parts of new counties taken
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 aration. 6§ '05 ch.411, 15 Ap
- s Vt. Cities & incorporated villages may provide for rebate for
 prompt payment of taxes. 1§ '04 ch.28, 9 N
- t Vt. Amdg. S. §3071: record of tax abatements to be kept in town
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- u Wash. Amdg.'97 ch.71 §64 rel. to extension of tax on rolls. 1§
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- v Wash. Amdg. '93 ch.72 §6 as to extension of tax for 3d or 4th
 class city on rolls of county auditor. 1§ '05 ch.145, 9 Mr

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- a Cal. Amdg.P.C. §3804 rel. to refund of tax illegally or erroneously
 collected; claim must be made within 3 yrs [6 mos. or for double pay-
 ment 2 yrs]. 2§ '05 ch.43, 3 Mr
- b Cal. Amdg. P.C. §3669 as to recovery of tax wrongfully collected;
 limitation of action. 1§ '05 ch.613, 22 Mr
- c Mon. Amdg. P.C. §4024 rel. to protest of tax & action to recover.
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- a Cal. Amdg.P.C. §3897-98 rel. to sale of property sold to state for
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- b** Cal. Amdg. P.C. §3466 rel. to action to enforce delinquent tax lien in reclamation district. 1§ '05 ch.66, 6 Mr
- c** Cal. Amdg.P.C. §3821 rel. to seizure & sale of personalty for tax which is not lien on realty. 1§ '05 ch.372, 20 Mr
- d** Cal. Amdg.P.C. §3817 rel. to penalties added to cost for redemption of property sold for tax. 1§ '05 ch.390, 20 Mr
- e** Cal. Notice to mortgagee or trustee of property sold for taxes. Adds P. C. §3769a. 1§ '05 ch.409, 20 Mr
- f** Col. Misc. amdts. to '02 ch. 3 rel. to collection of taxes; notice of sale; form of tax deed. 8§ '05 ch.131, 5 Ap
- g** Ct. Amdg. G.S.'02 §2395: action to collect poll or military tax by imprisonment may be begun within 3 yrs. 2§ '05 ch.34, 2 My
- h** Id. State Bd of Land Com'rs to pay taxes & assmts. on all lands on which state has made loan or has acquired title by foreclosure proceedings. 2§ '05 p.377, 7 Mr
- i** Id. Amdg. '01 p.233 §123: county or municipality to reimburse holder of tax certificate void by reason of irregularity of taxing officers. 2§ '05 p.390, 11 Mr
- j** Ind. Foreclosure of tax lien on town or city lot on which no bid has been made at 3 successive tax sales. 4§ '05 ch.133, 6 Mr
- k** Kan. Amdg. '76 ch.34 §137 as to advertising unredeemed land omitted in previous list. Rep.'81 ch.114 §1-3 in so far as they are inconsistent. 2§ '05 ch.499, 7 Mr
- m** Kan. Amdg. G. S.'01 §4895: judgment for state or municipality unexecuted for 5 yrs to cease to be lien on debtor's realty. 2§ '05 ch.330, 9 Mr
- n** Me. Amdg. R.S.'03 ch.9 §76: abatement of uncollectable poll or personal property tax. 1§ '05 ch.26, 28 F
- p** Me. Amdg. R.S.'03 ch.10: 20 days default in payment by purchaser at tax sale vests title in city or town. 1§ '05 ch.27, 28 F
- q** Me. Amdg. R.S.'03 ch.10 §73: sales of real estate for taxes *ad Mon. in July* [1st Mon. in Dec.]. 2§ '05 ch.178, 24 Mr
- r** Mass. Amdg. R.L. ch.13 §43: land sold at tax sale to be subject to & have benefit of all existing easements & restrictions. 1§ '05 ch.193, 17 Mr
- s** Mass. Amdg. R.L. ch.13 §58, 61, 75: land sold for taxes redeemable by payment with 8% [10%] interest; Supreme Judicial Court has jurisdiction 6 [5] yrs from sale. 3§ '05 ch.325, 21 Ap
- t** Mich. Amdg. '93 ch.206 §140, 142 rel. to sale of land for taxes. Adds §142a. 3§ '05 ch.142, 25 My
- u** Mich. Amdg. '93 ch.206 §58: county treasurer not to receive delinquent taxes paid in contemplation of getting back land sold to state for taxes. 1§ '05 ch.213, 13 Je
- v** Mich. Amdg. '97 ch.229 §141 rel. to redemption of land sold for taxes. 1§ '05 ch.226, 16 Je
- vi** Mich. Notice of sale of land to delinquent taxpayer. Adds '93 ch.206 §61a. 1§ '05 ch.234, 16 Je
- v2** Minn. "An act to enforce payment of taxes which became delinquent in & prior to 1879." '81 ch.135, 7 Mr. *Unconst.* in so far as it authorizes enforcement of taxes barred by statute of limitations. *Folsom v. Whitney* 104 N.W 140 (1905).

- v3 **Minn.** Regulating rank & priority of liens for gen. taxes & special assmts. in city of 50,000. 2§ '05 ch.200, 15 Ap
- v4 **Minn.** Property sold by city of 50,000 for unpaid special assmt. redeemable on payment of tax with 8% interest. 2§ '05 ch.205, 17 Ap
- v5 **Minn.** Amdg. '02 ch.2 §55 as to redemption of property sold for delinquent taxes. 2§ '05 ch.211, 17 Ap
- v6 **Minn.** City of 50,000 holding land through lien of special assmt. may sell after redemption period has expired. 2§ '05 ch.269, 18 Ap
- v7 **Minn.** Time for redemption from tax sale not to expire till notice is given as required by '02 ch.2 §47. 1§ '05 ch.270, 18 Ap
- v8 **Minn.** Notice of expiration of redemption time not to issue within 6 yrs of tax sale; certificate may be recorded after 7 yrs. 1§ '05 ch. 271, 18 Ap
- v9 **Mo.** Amdg. R.S.'99 §5604: delinquent taxes to bear interest at 12% [24%]. 1§ '05 p.74, 6 Ap
- w **Mo.** Amdg. R.S.'99 §5643 rel. to tax suit. 1§ '05 p.75, 6 Ap
- w1 **Mon.** Amdg. P.C. §3895 rel. to notice to owner of application for deed by purchaser at tax sale. 2§ '05 ch.79, 3 Mr
- w2 **Neb.** "An act to provide for sale of lots & lands for taxes & assmts. delinquent for 5 yrs . . ." '03 ch.76, 11 Ap. *Unconst.* authorizes private sale for any sum bid & allows commutation of taxes in violation of Const. art.9 §4. City of Beatrice v. Wright 101 N.W. 1039 (1904).
- w3 **Neb.** Amdg. '03 ch.73 §233 so as to give counties, cities & villages right to foreclose tax sale certificates immediately after the purchase thereof, & to prescribe rates of interest on taxes due thereon. 2§ '03 ch.116, 28 Mr
- w4 **Neb.** Amdg. '03 ch.73 §212 rel. to tax lands: redemption at any time *before delivery of tax deed by county treasurer* [within 2 yrs after date of sale]; 15% interest charge from date of purchase *to date of redemption*. 2§ '05 ch.114, 4 Ap
- w5 **Neb.** Amdg. '03 ch.73 §214 rel. to conditions precedent to securing title to tax lands. 2§ '05 ch.115, 4 Ap
- w6 **Neb.** Amdg. Ann.S.'03 §10656 rel. to payment of costs in state tax suit. 2§ '05 ch.118, 4 Ap
- w7 **N. J.** Amdg. '86 ch.112 §6 rel. to redemption of property sold for taxes by lienor or owner of estate or interest. 2§ '05 ch.251, 2 Je
- w8 **N. J.** Property may be sold for taxes 2 yrs overdue. Supplements '86 ch.112. 2§ '05 ch.255, 2 Je
- w9 **N. M.** Enforcement of delinquent taxes on property in hands of receiver. 3§ '05 ch.64, 14 Mr
- x **N. M.** Tax sale; fees. 2§ '05 ch.134, 16 Mr
- x1 **N. Y.** Expense of notice to redeem to be apportioned between parcels sold at delinquent tax sale & paid by purchaser. Adds §159 to tax law '96 ch.908. 1§ '05 ch.278, 22 Ap
- x2 **N. Y.** Court may dismiss suit for personal tax on terms which appear just. Adds §259a to tax law '96 ch.908. 1§ '05 ch.348, 26 Ap

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- x3 N. Y. Amdg. tax law '96 ch.908 §151 as to contents of notice of delinquent tax sale. 1§ '05 ch.445, 16 My
- x4 N. Y. Amdg. tax law '96 ch.908 §50 rel. to levying of taxes on & resale of real property which has been once sold for taxes. Adds §152a. 2§ '05 ch.447, 16 My
- x5 N. C. Amdg. '01 ch.558 §15: notice of sale for delinquent taxes to be served on mortgagee. 2§ '05 ch.431, 4 Mr
- x6 N. D. Amdg. R.C. '99 §1243-44 rel. to payment of delinquent personal property taxes; collection; disposal of uncollected taxes. 3§ '05 ch.145, 27 F
- x7 N. D. Msdr. to remove personal property from state or dispose of same to avoid payment of taxes. 1§ '05 ch.144, 9 Mr
- x8 N. D. Amdg. R.C. '99 §1267 rel. to redemption of land sold for taxes: payment of subsequent taxes & rate of interest thereon. 2§ '05 ch.158, 9 Mr
- x9 N. D. County auditor to keep record of tax deeds; certified copy of record to be prima facie evidence. 3§ '05 ch.157, 13 Mr
- y Or. Amdg. Ann.C.& S. §3133 rel. to sale by county of land bid in at tax sale. 1§ '05 ch.145, 21 F
- y1 Or. Suit for delinquent tax barred in 6 yrs. 2§ '05 ch.219, 22 F
- y2 S. C. Amdg. C.C. §430 as to settlement of delinquent tax returns. 1§ '05 ch.438, 22 F
- y3 S. D. County may pay agent percentage to collect personal property tax delinquent over a yr. 1§ '05 ch.45, 28 F
- y4 S. D. Amdg. P.C. §2185 rel. to collection of delinquent personal taxes. 2§ '05 ch.51, 8 Mr
- y5 S. D. Amdg. P.C. §2194-95 rel. to notice & time of tax sales. 3§ '05 ch.53, 8 Mr
- y6 Tex. Redemption of land sold for taxes. 1§ '05 ch.86, 13 Ap
- y7 Tex. Collection of delinquent taxes. 2§ '05 ch.129, 17 Ap
- y8 Tex. Assmt. & collection of omitted, invalidated & delinquent taxes. 8§ '05 ch.130, 17 Ap
- y9 Tex. Redemption of land sold for taxes. 2§ '05 ch.132, 17 Ap
- z U. Amdg. R.S. '98 §2655 rel. to disposition of estate held by county under tax deed. 1§ '05 ch.76, 9 Mr
- z1 Vt. Amdg. S. §2971: delinquent taxpayers ineligible to vote at city, town or village meeting; tax collector to supply list of legal voters. 1§ '04 ch.74, 8 D
- z2 Wash. Amdg. '03 ch.143 §21 rel. to collection of delinquent tax for river improvement district. 1§ '05 ch.104, 9 Mr
- z3 Wash. Delinquent tax to be carried forward on tax book; owner may pay current before delinquent tax but latter to be indorsed on receipt. 2§ '05 ch.136, 9 Mr
- z4 Wis. Amdg. S. '98 §1132 as to payment of printer for advertising sale of land for taxes. 2§ '05 ch.35, 27 Mr
- z5 Wis. Amdg. S. '98 §1133 as to compensation of printer for notice of tax sales. 1§ '05 ch.413, 17 Je
- z6 Wis. Amdg. S. '98 §1174 as to compensation of printer for publishing notice of expiration of redemption of tax lands. 1§ '05 ch.513, 20 Je

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Income tax

- a S. C. Rep. Crim.C. §489 which forbade county auditor to dis-close return for income tax assmt. 1§ '05 ch.426, 18 F
- b Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.8 §1: Leg. may provide for graduated income tax. '03 p.776; '05 p.992

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Poll taxes*See also 132, Suffrage; 816, Exemption from taxation; 2714, Roads*

- a Me. Amdg. R.S.'03 ch.10 §65: no execution against body of judg-ment debtor for poll tax. 1§ '05 ch.21, 22 F
- b N. M. Amdg. C.L.'97 §1549-50 rel. to poll tax. Rep. C.L.'97 §1551. 3§ '05 ch.61, 14 Mr
- c N. Y. Amdg. village law '97 ch.414 §103 rel. to collection of poll tax. 1§ '05 ch.498, 17 My
- d R. I. Amdg. G.L. ch.47 rel. to demand made by collector or as-sistant for poll tax unpaid for 30 days. 1§ '05 ch.1224, 10 Ap

833 Business taxes. Revenue, license or privilege taxes*See also 842, Incorporation taxes; 907, Liquor licenses; 1532, Regulation and licens-ing of trades and occupations*

- a Fla. Nonresident nurseryman to pay \$25 license fee. 3§ '05 ch.109
- b Fla. Physicians & surgeons exempted from payment of license tax. 2§ '05 ch.110
- c Kan. Amdg. G.S.'01 §1127 rel. to license taxes in 3d class city. 2§ '05 ch.124, 7 Mr
- d Mo. Amdg. R.S.'99 §6272: city with special charter & less than 10,000 may license & tax *express co. or agent*. 1§ '05 p.82, 6 Ap
- e Mo. Amdg. R.S.'99 §5978: city of 4th class may license & tax *express co. or agent*. 1§ '05 p.77, 8 Ap
- f Mon. Amdg. P.C. §4050: license fees apportioned 50% [75%] to county, 45% [25%] to state. 1§ '05 ch.67, 2 Mr
- g Pa. Amdg. '50 ch.442 §7: merchandise & real estate brokers *whether persons, firms or corp.* to pay 3% tax on receipts. 1§ '05 ch.117, 14 Ap
- h S. C. Amdg. C.C. §714: State Treasurer to issue *duplicate* [trip-licate] receipts for phosphate tax. 1§ '05 ch.495, 7 Mr
- i Tex. Occupation tax on traffic in future wages. 5§ '05 ch.111, 15 Ap
- j Tex. Tax on gross receipts of certain businesses. 17§ '05 ch.148, 17 Ap
- k W. Va. Rev.C. ch.32 regulating business licenses. 141§ '05 ch.36, 24 F

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Tax on deeds and contracts. Fees

- a N. Y. Stock transfer tax of 2c on \$100; stamps; penalties. Adds art.15 to tax law '96 ch.908. 10§ '05 ch.241, 19 Ap
- b N. Y. Amdg. Pen.C. §517: forgery in 3d degree to counterfeit or alter state tax or revenue stamp. 1§ '05 ch.242, 19 Ap

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Inheritance taxes

- a Cal. Inheritance tax law. Rep.'93 ch.168. 29§ '05 ch.314, 20 Mr
- b Cal. Enforcement & discharge of collateral inheritance tax lien.
6§ '05 ch.325, 20 Mr
- c Ct. Amdg.'03 ch.63 §2 rel. to inheritance tax on estate of non-
resident decedent. 1§ '05 ch.256, 19 Jl
- d Me. Register of probate to prepare list of estates apparently liable
to collateral inheritance tax; collection; estates not before Probate
Court. Adds §86, 87 to R.S.'03 ch.8. 2§ '05 ch.124, 21 Mr
- e Mass. Amdg. R.L. ch.15 §16 rel. to appraisal & payment of fees in
taxation of collateral legacies & successions. 1§ '05 ch.367, 4 My
- f Mass. Amdg. R.L. ch.15 §1: bequests to or for use of city or town
exempt from inheritance tax. 2§ '05 ch.470, 26 My
- g Minn. Regulating inheritance taxes. 22§ '05 ch.288, 19 Ap
- h Mon. Amdg.'97 p.83 §20 rel. to collection of inheritance tax. 1§
'05 ch.46, 28 F
- i N. H. "An act imposing a tax on collateral legacies & successions."
22§ '05 ch.40, 8 Mr
- j N. Y. Rev. tax law '96 ch.908 art.10 rel. to taxable transfers. 25§
'05 ch.368, 4 My
- k Or. Amdg.'03 p.49 §1: bequest to *or in trust for* benevolent,
charitable *or educational* inst. exempt from tax. 1§ '05 ch.178, 21 F
- kr Pa. Amdg.'87 ch.37 §1: children of former husband of wife ex-
empt from collateral inheritance tax. 1§ '05 ch.181, 22 Ap
- m S. D. Gen. inheritance tax law. 21§ '05 ch.54, 6 Mr
- n U. Inheritance tax law. Rep.'01 ch.62. 33§ '05 ch.119, 17 Mr
- p Vt. "An act rel. to taxation of collateral inheritances & taxable
transfers." 85§ '04 ch.30, 9 D
- q Wash. Exempting bequests for charity from inheritance tax. 1§
'05 ch.93, 9 Mr
- r Wash. Amdg.'01 ch.55 §13, 15 as to appraisal of estate for pur-
pose of inheritance tax; notice to treasurer of petition for probate or
letters of administration. 2§ '05 ch.114, 9 Mr
- s Wis. Amdg.'03 ch.44 §1, 4: property of county or municipality
exempt from tax on transfer for county or mun. purpose. 3§
'05 ch.96, 20 Ap

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Corporation taxes

Including taxation by general property tax

- a Cal. Annual corp. license tax \$10; exemptions. 10§
'05 ch.386, 20 Mr
- b Col. Water users' ass'n supplying members only exempt from
annual income & franchise taxes; incorp. fee \$20. 3§
'05 ch. 141, 10 Ap
- c Ct. Amdg. G.S. '02 §2331: taxes paid by certain corporations
on real estate for yr ending Sep. 30 [Feb. 1] to be deducted from
amount of state tax. 1§ '05 ch.54, 12 My
- d Me. Sec. of State to prepare & publish list of corporations
delinquent in payment of franchise tax; charters suspended for
nonpayment by Dec. 1, '05; revival of charters: penalties. 2§
'05 ch.172, 24 Mr

- e **Mich.** Assmt. of corporations property for taxation. C.L. '97 §3834. *Unconst.* as to proviso taxing personalty of corporations engaged in commerce or navigation only in city, village or township named in articles of incorp.; violates rule of uniformity allowing corporations to fix situs for taxation. *Teagan Transp. Co. et al. v. Bd of Assessors of Detroit* 102 N.W. 273 (1905), *City of Detroit v. Mackinaw Trans. Co.* 103 N.W. 557 (1905).
- f **N. H.** Tax on trading stamp co. 10%; on distributor 3% gross returns. 17§ '05 ch.83, 10 Mr
- g **N. J.** Rep. '04 ch.221 which regulated licensing & taxing of foreign corp. 1§ '05 ch.37, 17 Mr
- h **N. J.** Charter of corp. 2 yrs in arrears for taxes to be revoked; procedure; reinstatement. Supplements '84 ch.159. 8§ '05 ch.259, 3 Je
- i **Pa.** Penalty of \$500 for failure of co. or corporations to report to Auditor Gen for 3 tax yrs. 2§ '05 ch.121, 14 Ap
- j **Tex.** Amdg. R.C.S. art.5243i-j rel. to franchise tax on corporations. 2§ '05 ch.19, 1 Mr
- k **Tex.** "An act to define the method of computing annual franchise tax payable by private, domestic & foreign" corporations. 2§ '05 ch.72, 11 Ap
- m **Vt.** Amdg. S. §382, 384 rel. to penalty for failure of officers of certain corporations to make report of stock for purposes of taxation. 2§ '04 ch.26, 1 D
- n **Vt.** Misc. amdots. to '02 ch.20 rel. to taxation of corporations. 34§ '04 ch.29, 9 D
- p **Vt.** Forfeiture of charter by corporations delinquent in payment of license tax or unorganized for certain time after granting; exceptions. 20§ '04 ch.90, 10 D
- q **W. Va.** Rep. '03 ch.4 which authorized Atty. Gen. to bring suits for revocation of charters of certain corporations failing to pay corporation taxes. 1§ '05 ch.40, 24 Ja

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Incorporation and license fees and taxes

See also 500, Corporations

- a **N. D.** Amdg. R.C. '99 §2865: irrigation corporations & water users' ass'ns exempt from incorp. fees. 1§ '05 ch.67, 24 F
- b **S. C.** Amdg. '04 ch.269 §1, 4-5, 10-11 rel. to corporations license fees. 6§ '05 ch.407, 12 F
- c **S. C.** Sec. of State to collect fee of not less than \$5 in addition to recording fee for issuing charter. 1§ '05 ch.437, 22 F
- d **Tex.** Amdg. R.C.S. '95 art.2439: fee for charter of cemetery corp. *not for profit*; permit of foreign corporations to do business. 1§ '05 ch.91, 14 Ap

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Banking institutions

See also 1679, Banking

- a **Ind.** National bank stock to be taxed as personalty where bank is located; assmt.; report of bank. 2§ '05 ch.56, 28 F
- b **Minn.** Amdg. '78 ch.1 §24, 26 rel. to taxation of stock of bank or mortgage loan co. 2§ '05 ch.60, 23 Mr

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- c Minn. Amdg. G.S. '94 §1537: mortgages held by national or state bank not to be listed for taxation by county auditor. 1§
'05 ch.86, 30 Mr
- d Mon. Amdg. P.C. §3695 rel. to taxation of private banker, broker or dealer in stock. 2§
'05 ch.25, 21 F
- e N. J. Amdg. '03 ch.208 §17: national bank to furnish tax officer sworn list of stockholders *in his district*. 1§
'05 ch.211, 28 Ap
- f N. J. Assmt. of bank stock; exemptions & deductions. Supplements '03 ch.208. 1§
'05 ch.234, 11 My
- g Wis. Taxation of bank stock; real estate owned by bank. Rep. '66 ch.102 §1-3. 2§
'05 ch.302, 5 Je
- h Wis. Amdg. S. '98 §1222k: trust, annuity & guaranty co. to pay annual license fee of \$500 [\$300] & 3% [2%] on net income. 1§
'05 ch.442, 19 Je

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Insurance companies

See also 1732, Insurance

- a Cal. Amdg. P.C. §622a rel. to taxation of foreign insurance co. 1§
'05 ch.133, 18 Mr
- b Ill. Amdg. '72 p.1 §13 as to taxation of personalty of domestic life insurance co. 2§
'05 p.356, 18 My
- c Kan. Property of mutual fire insurance co. in hands of treasurer to be listed for taxation where he resides; other property at residence of sec. Amds. '85 ch.132 §13. 2§
'05 ch.276, 8 Mr
- d Mo. Amdg. R.S. '99 §8043: tax on premiums of foreign fire insurance co. to be reduced for reinsurance in domestic co. 1§
'05 p.172, 8 Ap
- e N. H. Amdg. P.S. ch.169 §14 rel. to tax on gross premiums of foreign insurance co.: return premiums. 1§
'05 ch.109, 10 Mr
- f N. Y. Amdg. tax law '96 ch.908 §187, 189 subdiv.5 as to manner of calculating gross insurance premiums as basis for franchise tax; reports. 2§
'05 ch.94, 23 Mr
- g Pa. Amdg. '95 ch.289 §2: *township of 1st class* to receive $\frac{1}{2}$ of tax on premiums of foreign insurance co. collected thereon. 1§
'05 ch.166, 20 Ap
- h Tex. Amdg. R.C.S. '95 art.5243e rel. to gross receipts tax on insurance co. 2§
'05 ch.154, 18 Ap
Amended
'05 ch.6 (ex. sess.), 13 My
- i Wis. Amdg. S. '98 §1219 rel. to license tax on fire & inland transportation insurance co.: exceptions. 1§
'05 ch.325, 9 Je
- j Wis. Amdg. S. '98 §1220 subdiv.2 rel. to license fees of foreign life insurance: to take effect Jan. 1, 1908. 1§
'05 ch.455, 19 Je

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Transportation and transmission corporations

See also 1200, Transportation; 1283, Exemption of railroads

- a Ct. Returns of railroad & street ry. for purpose of taxation. 1§
'05 ch.247, 19 Je
- b Ct. Electric or street ry. express corp. to file annual statement of gross receipts & pay 2% tax; proviso. 2§
'05 ch.264, 19 Jl
- c Kan. Property used in distribution of heat, light, oil or similar commodity to be taxed where located. 2§
'05 ch.503, 7 Mr

- d **Kan.** Amdg. G.S.'01 §7530-40 as to assmt. & taxation of pipe line co. 12§ '05 ch.502, 8 Mr
- e **Kan.** Assmt. & taxation of cars operated by other than railroad co. 4§ '05 ch.500, 9 Mr
- f **Mich.** Assmt. & collection of taxes on property of railroad, car & express co. 21§ '05 ch.282, 16 Je
- g **N. H.** Taxation of electric light & power plants. 5§ '05 ch.42, 8 Mr
- h **N. J.** Supplements '88 ch.208 rel. to assmt. & taxation of railroad & canal property. 5§ '05 ch.91, 3 Ap
- i **N. D.** Amdg. R.C.'99 §1313: State Bd of Equalization to assess property of street & interurban ry. 1§ '05 ch.151, 11 Mr
- j **Okl.** Assmt. & taxation of street car, interurban ry. & express co. 6§ '05 ch.31 art.4, 2 Mr
- k **Tenn.** State Tax Assessors to assess interurban & street ry. properties biennially; review by State Bd of Equalization; collection by Compt. 19§ '05 ch.513, 17 Ap
- m **Tex.** Rev. tax on gross receipts of railroad corp. Rep. R.C.S.'95 art.5049 subdiv.36. 7§ '05 ch.141, 17 Ap
- n **Tex.** Taxation of intangible assets of certain public service corporations. 13§ '05 ch.146, 17 Ap
- p **Wis.** Amdg. & supplementing '03 ch.315 rel. to taxation of railroads. 15§ '05 ch.216, 16 My
- q **Wis.** Collection of license fees, penalties & forfeitures due state from railroad co. 7§ '05 ch.328, 10 Je
- r **Wis.** State Tax Com'n to constitute State Bd of Assmt. for taxation of railroad properties. '05 ch.380, 15 Je
- s **Wis.** State not to be liable in action by railroad co. to recover license fees unless these were paid under protest. 1§ '05 ch.431, 17 Je
- t **Wis.** Amdg.'03 ch.315 § 2 subdiv.3: grain elevators & coal docks not used exclusively by railroad to be subject to taxation as property of individuals. 1§ '05 ch.427, 19 Je
- u **Wis.** Amdg. S.'98 §122sd as to license tax on street ry. & electric co.: 5% [4%] tax on annual gross receipts over \$400,000 [\$500,000]; 2½% [2%] on receipts under \$400,000 [\$500,000]. 1§ '05 ch.437, 19 Je
- v **Wis.** Railroad & street ry. corp. officers & employees not excused from producing evidence or giving testimony in actions by state to recover license fees, taxes, penalties or forfeitures; witnesses to be immune from prosecution; secondary evidence. 3§ '05 ch.447, 19 Je
- w **Wis.** Powers of State Bd of Assmt. in assmt. & taxation of express, sleeping car, freight line & equipment co. 6§ '05 ch.477, 20 Je
- x **Wis.** Taxation of railroad co. in lieu of unpaid license fees; collection. 4§ '05 ch.478, 20 Je
- y **Wis.** Amdg. S.'98 §1038 subdiv.27, §1222a rel. to license fees on gross receipts of telephone co. 4§ '05 ch.488, 20 Je
- z **Wis.** Taxation of street ry. co. & electric co. operated in connection with street ry. Rep. sundry laws. 32§ '05 ch.493, 20 Je

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- 21 Wis. Taxation of telegraph co. Rep.S.'98 §1216-18, 1038 subdiv.
15. 29§ '05 ch.494, 20 Je

846 Mining

- a Minn. Mineral, gas, coal, oil & similar interests owned independent of title to land to be taxed separately. 1§ '05 ch.161, 13 Ap
b Nev. Referring to Leg. of 1905 amdt. to Const. 1864 art.10 §1: proceeds only of *unpatented* mines & mining claims to be taxed; patented mines to be assessed at \$500 or more; exception.
'03 p.240, 20 Mr; repassed '05 p.277, 3 Mr
c Nev. Patented mine to be placed on county assmt. roll. 1§
'05 ch.58, 4 Mr
d Nev. State license & bullion tax agent; to be appointed to examine county tax returns & inspect books of mining corp. for taxing purposes. 9§
'05 ch.127, 15 Mr

849 Budget

See also 2575, Local finance

- a Id. Submitting amdt. to Const. 1889 art.7 §9: state tax rate on real & personal property limited to 1% of assessed valuation [maximum rate graded according to total valuation] except on majority vote at gen. election. Vote Nov. 1906. 2§ '05 p.441, 2 Mr
b Ind. Amdg.'95 ch.139 §1, 4 rel. to tax levy for gen. fund & state sinking fund. '05 ch.105, 4 Mr
c Neb. Rep.'03 ch.74 which limited annual state tax levy to 7 mills. 1§
'05 ch.122, 4 Ap

853 Accounts, methods generally. Collection of moneys.

Warrants

See also 2575, Local finance

- a W. Va. Amdg.'04 ch.16 §4: msdr. for official to expend public moneys or incur obligations without authority; forfeiture of office in addition to personal liability. 1§ '05 ch.56, 11 F

854 Collection of state claims and revenue

- a Cal. Amdg.'99 ch.93 §1 rel. to payment of state money to State Treasurer. 1§ '05 ch.328, 20 Mr
b Fla. Creating Bd of Com'rs to examine & report on money paid by U. S. in settlement of Indian War claims. 3§ '05 ch.80, 5 Je

855 Claims against state

- a Id. Amdg. '99 p.24 §3: claims against state not to be acted on unless receipted vouchers [for amounts exceeding \$5] be filed with claim. 2§ '05 p.365, 9 Mr
b Mass. Amdg. R.L. ch.201 §1-2 rel. to prosecution in Superior Court of Claims against state. 2§ '05 ch. 370, 4 My
c N. Y. Amdg. county law '92 ch.686 §12: county may sell judgment against state recovered in Court of Claims to State Compt. or to individual. 1§ '05 ch.244, 20 Ap
d N. Y. Amdg.C.C.P. §264 as to filing of notice of intention to sue in Court of Claims; canal claims. 1§ '05 ch.370, 4 My
e Vt. Rev. '02 ch.38 rel. to Court of Claims. Rep. '02 ch.39. 14§
'04 ch.65, 7 D

856

Examination and audit

- a Del. Joint leg. committee to audit accounts of certain state officers, also of clerks of Senate & House of Representatives; \$1000. 6§
'05 ch.58, 16 Mr
- b Fla. Gov. to appoint assistant State Auditor; msdr. for state or county officer to refuse to submit books for inspection. 3§
'05 ch.78, 29 My
- c Id. State Insurance Com'r to be State Examiner; to enforce uniform system of bookkeeping by state & county officers; investigate standing of official bondsmen; & securities held by county officers; annual report to Gov. 20§
'05 p.386, 7 Mr
- d Kan. Amdg. '95 ch.247 rel. to appointment, qualifications & duties of State Accountant; term 2 [4] yrs; salary \$2000 [\$1500]. 13§
'05 ch.490, 15 F
- e Kan. Gov. may employ expert accountants & attys. to investigate fully state dep'ts; \$15,000. 9§
'05 ch.491, 15 F
- f Me. State & county officers to render itemized bills. 1§
'05 ch.49, 11 Mr
- g Minn. Method of audit of claims on certain state funds. 3§
'05 ch.96, 31 Mr
- h N. H. Bills of state officers & employees to be certified under oath. 1§
'05 ch.78, 9 Mr
- i N. C. Amdg. C. §3360, '99 ch.54 §3, 5, 82 rel. to exam. of accounts of State Treasurer & Com'r of Insurance. 5§
'05 ch.430, 4 Mr
- j N. D. Amdg. R.C.'99 §137 rel. to exam. of accounts of public officers by State Examiner. 1§
'05 ch.171, 6 Mr
- k Or. Persons handling or controlling state property to account monthly. 2§
'05 ch.138, 21 F
- m U. Amdg. R.S. '98 §2421: State Auditor to inspect *at least once a yr* [at his discretion] books of persons handling public money. 1§
'05 ch.12, 20 F
- n Vt. Amdg. S. §320 rel. to exam. of reports & records of auditor. 1§
'04 ch.21, 16 N
- p Vt. Amdg. '96 ch.123 §6: accounts of various com'rs & members of state bds to contain receipted bills as vouchers; exceptions 1§
'04 ch.171, 9 D
- q Vt. Amdg. S. §328-29 rel. to settlement of accounts of certain state officers & officials of various state institutions. 2§
'04 ch.23 §1, 2, 10 D

857

Financial officers

See also 55, State examiner; 2588, Local finance

- a Ct. Amdg. G.S.'02 §30 rel. to Bd of Control: Atty. Gen. added to bd; bd may increase appropriation for necessities of state dep't while Leg. not in session; total expenditure limited to \$150,000; report. 1§
'05 ch.197, 29 Je
- b Ct. Amdg. G.S.'02 §30: deputy compt. to be clerk of Bd of Control. 1§
'05 ch.263, 19 JI
- c N. M. Amdg. C.L.'97 §2608: auditor & treasurer to give bond of \$3000 [\$4000] each. 2§
'05 ch.69, 14 Mr

FINANCE

858 State auditor. Comptroller

- a Ari. Amdg. R.S.'01 §107 rel. to appointment of substitute during disability of auditor. 3§ '05 ch.33, 16 Mr
- b Cal. Amdg. P.C. §439-41 rel. to employees of Compt.'s office; salaries deputy \$2700 [\$2400]; expert accountant \$2000. 4§ '05 ch.581, 22 Mr
- c Mass. Amdg. R.L. ch.6 §14 rel. to clerical assistance for State Auditor. 1§ '05 ch.149, 9 Mr
- d Nev. State Compt. & ex officio Insurance Com'r may employ typewriting clerk; salary \$75 a mo. 2§ '05 ch.53, 9 Mr
- e Nev. Salary of deputy State Compt. \$1800; to act as clerk of State Printing Com'rs. 2§ '05 ch.56, 14 Mr
- f N. Y. Amdg. state finance law '97 ch.413 §4 subdiv.6 rel. to annual report of State Compt. to Leg. 1§ '05 ch.504, 17 My
- g Vt. Amdg. '00 ch.11: auditor may expend \$2500 [\$500] per annum for clerical assistance. 1§ '04 ch.23 §3, 10 D

859 State treasurer

- a Del. Annual contingent fund of State Treasurer, \$200. 1§ '05 ch.65, 3 Ap
- b Mass. Amdg. R.L. ch.6 §4: salary of assistant bookkeeper in dep't of Treasurer & Receiver Gen. \$1500 [\$1200]. 2§ '05 ch.272, 6 Ap
- c Neb. State to pay premium on State Treasurer's bond when executed by approved surety co.; premium limited annually to ¼% of penalty stated in bond; \$5000. 3§ '05 ch.209, 29 Mr
- d N. D. Amdg. R.C. '99 §118: official bond of State Treasurer, \$500,000 [\$250,000] to be paid by state. 1§ '05 ch.56, 14 Mr
- e Pa. Salaries of clerical force of state treasury. 2§ '05 ch.59, 31 Mr
- f Wis. Amdg. S.'98 §153: State Treasurer may give bond of surety co. for performance of duties; cost not over ¼% on amount of bond to be paid by state. 3§ '05 ch.271, 27 My

860 Fiscal year

- a Mass. Fiscal yr to end Nov. 30. Amds. R.L. ch.6, 84 §7; rep. R.L. ch.6 §27, ch.9 §5. 13§ '05 ch.211, 23 Mr
- b U. Fiscal yr Dec. 1-Nov. 30 [Jan. 1-Dec. 31]; preparation & filing of accounts & reports. Amds. R.S.'98 §2592. 4§ '05 ch.28, 3 Mr; '05 ch.82, 9 Mr

861 Funds. Investments

- a Id. State Treasurer & State Auditor to transfer surplus of special & temporary funds to gen. fund. 2§ '05 p.219, 6 Mr
- b Wis. Taxes collected on levy of State Bd of Assmt. & paid into gen. fund to be used for expenses of state & state institutions. 2§ '05 ch.387, 17 Je

862 Reports

- a S. C. Sec. of State before 10th of each mo. to report collection of fees & funds to Compt. Gen. 2§ '05 ch.455, 18 F

863 State institutions

- a Ind. Inst. receiving state money to report as Gov. may require within 6 days after gen. election in Nov. 1§ '05 ch.64, 2 Mr

- b **Mass.** "An act rel. to accounts of certain state institutions." Rep. R.L. ch.87 §127-29. 4§ '05 ch.175, 14 Mr
- c **Vt.** Auditor to bring to attention of Gov. items in accounts for supplies of state inst. or laboratory of hygiene which appear excessive. 1§ '04 ch.162, 9 D
- d **Vt.** "An act rel. to payment of appropriations to & purchase of supplies by state institutions." 2§ '04 ch.161, 10 D

864 **Warrants. Checks**

- a **N. M.** Amdg. C.L.'97 §401, 403, 2605 rel. to listing & destruction of paid warrants. 3§ '05 ch.71, 14 Mr
- b **Wis.** Checks or drafts on state void on nonpresentation for 2 yrs; cancelation & issue of new warrants; recovery of money placed with state depositories for payment of checks or drafts. 5§ '05 ch.473, 20 Je

865 **Debts. Bonds**

See also 2597. Local finance

- a **Cal.** Submitting amdt. to Const. 1879 art.11 by adding §13½: public bond may be made payable in any place in U. S. Vote Nov. 1906. 1§ '05 p.1067, 10 Mr
- b **Mass.** "An act to authorize Treasurer & Receiver Gen. to issue bonds & script on serial payment plan for benefit of metropolitan districts." Amds.'03 ch.226 §3. 1§ '05 ch.169, 14 Mr
- c **N. H.** Amdg. P.S. ch.16 §6: State Treasurer *under direction of Gov. & Council* may borrow for state to meet lawful demands; total not to exceed \$300,000 [\$55,000] *per annum*. 1§ '05 ch.82, 9 Mr
- d **N. Y.** Submitting amdt. to Const. 1894 art.7 §4 by adding §11: Leg. may pay from funds in treasury sinking fund charges, interest & principal of debts heretofore & hereafter created; if other funds suffice, no direct annual tax need be imposed. Adopted Nov. 1905. '02 p.1801, 12 Mr; '03 p.1451, 22 Ap
- e **N. Y.** Amdg. Const. 1894 art.7 relating to creation & payment of state debts: direct annual tax to be levied to pay annual interest charge, & principal within 50 [formerly 18] yrs from date of contraction. Adopted Nov. 1905. '03 p.1454, 22 Ap; '05 p.2139, 4 Ap
- f **N. Y.** "An act to authorize acceptance by state of gifts, bequests & assignments of bonds, warrants . . . or other obligations of any other state & to enforce collection thereof." 2§ '05 ch.388, 16 My
- g **N. C.** Provision for settlement of South Dakota judgment & Western N. C. Railroad construction bonds held by Schafer Bros. bond issue of \$250,000 authorized. 6§ '05 ch.543, 6 Mr
- h **N. D.** Issue of 20 yr 4% revenue bonds, series of 1905, to amount of \$150,000. 6§ '05 ch.55, 7 Mr
- i **Tenn.** Amdg.'83 ch.84: bonds & scrip issued prior to Mar. 20, 1883 & not presented for funding by Jan. 1, 1907 to be barred; proviso. 1§ '05 ch.393, 14 Ap

867 **Temporary debt**

- a **Neb.** State Bd of Equalization to levy annual mill tax for payment of registered outstanding warrants; redemption. 5§ '05 ch.120, 4 Ap

PUBLIC ORDER

868

Deposits and depositories

See also 2600, Local finance

- a **Ari.** Amdg. R.S.'01 §1131, 3770-71, 3773, 3775-77 rel. to public money & depositories. Rep. §3779. 10§ '05 ch.56, 16 Mr
- b **Cal.** Deposit of state money in bank; bids; security; certificates of deposit. 8§ '05 ch.308, 20 Mr
- c **Cal.** Submitting amdt. to Const. 1879 art.11 by adding §16½: regulating public depositories; security; apportionment. Vote Nov. 1906. 1§ '05 p.1062, 7 Mr
- d **Id.** Regulating deposit of state moneys in state & national banks; banks to pay 2% interest; security of funds; investigation of bonds & sureties. 11§ '05 p.305, 11 F
- e **Kan.** Amdg. G.S.'01 §446 as to security by bank for deposit of state money. 1§ '05 ch.69, 4 Mr
- f **Kan.** Amdg. G.S.'01 §7629 rel. to state funds & depositories. Rep. G.S.'01 §7630-31. 19§ '05 ch.471, 4 Mr
- g **Minn.** Amdg.'01 ch.140 § 4 rel. to security required of state depository. 1§ '05 ch. 198, 15 Ap
- h **Neb.** Amdg. Ann.S.'03 §10867, 10872 rel. to state depositories: depository bonds to be renewed for each official term. 3§ '05 ch.151, 27 Mr
- i **N. H.** Amdg.'03 ch.125 §1: interest on certain public money to be deposited in state treasury for *use of state* [distributed to towns & cities]. 1§ '05 ch.68, 9 Mr
- j **N. Y.** Amdg. state finance law '97 ch.413 §8, 62: state or canal fund depository may deposit N. Y. state bonds in lieu of surety undertaking. 2§ '05 ch.372, 5 My
- k **N. C.** Regulating state depositories & withdrawal of public funds. 6§ '05 ch.520, 6 Mr
- m **N. D.** Amdg. R.C.'99 §237 rel. to state depositories: amount deposited not to exceed 50% of *paid-up capital & surplus* [assessed value of capital stock]. 2§ '05 ch.173, 11 Mr
- n **N. D.** State Examiner to inspect national banks designated as state depositories; withdrawal of state funds on refusal to allow inspection. 2§ '05 ch.172, 13 Mr
- p **Okl.** Amdg. '03 ch.4 §4: territorial & county depositories; national banks; deposit of securities required to qualify as depository. 1§ '05 ch.7 art.2, 4 Mr
- q **Okl.** Territorial depositories. Rep.'01 ch.4 §26. 4§ '05 ch.30 art.1, 13 Mr
- r **Pa.** State Treasurer may demand collateral security from state depository additional to that required by law. 1§ '05 ch.131, 17 Ap
- s **Tex.** State, county & city depositories. 41§ '05 ch.164, 1 My

870

Public order

See also 234, Crimes and offenses; 1332, Railroads; 1374, Street railways

872

Police

See also 206, Detectives; 1334, Railroads; 1374, Street railways; 1817, Navigation

873

Peace officers

See also 244, Impersonating officer; 245, Interference with officer; 663, Constable; 691, Sheriff

- a Del. Gov. may, on petition, appoint special constable with power of county constable, for protection of property at petitioner's expense. 7§ '05 ch.67, 29 Mr
- b Mass. Amdg '04 ch.433 §1: salary of chief fire inspector of detective dep't of district police \$1800 [\$1500]. 2§ '05 ch.461, 25 My
- c Wis. Amdg. S.'98 §819: bd of supervisors may appoint policemen in town containing camp meetings for moral, religious or educational purposes. 1§ '05 ch.306, 5 Je

874

State and county police

- a Mass. Police officer detailed to command steamer Lexington to rank as captain; salary \$1800. 1§ '05 ch.365, 2 My
- b N. M. Organizing company of mounted police. 15§ '05 ch.9, 20 F
- c Pa. Creating Dep't of State Police; to consist of sup't & state police force of 4 platoons. 7§ '05 ch.227, 2 My
- d S. C. Amdg. C.C. §661: salary of State Constable \$2.50 [\$2] a day. 1§ '05 ch.470, 1 Mr

875

Municipal police

- a Ill. Amdg. '72 p.218 art.11 §11-12 as to appointment & duties of village marshal. 2§ '05 p.112, 11 My
- b N. H. Gov. with consent of Council to appoint bd of police com'rs for city of Keene. 10§ '05 ch. 153, 31 Ja
- c N. H. Gov. with consent of Council to appoint bd of police comr's for city of Berlin. 8§ '05 ch.160, 9 F
- d N. H. Police com'r appointed by Gov. not disqualified to hold other state or county office. 2§ '05 ch.28, 22 F
- e N. J. Amdg. '89 ch.257 §1 rel. to salaries of police force in cities other than seaside resort; inoperative till accepted by voters. 5§ '05 ch.70, 30 Mr
- f N. J. Mayor of 2d class city under 100,000 may appoint police com'n of 4; not more than 2 to belong to same political party. Supplements '85 ch.250. 1§ '05 ch.76, 30 Mr
- g N. D. Providing police for unorganized town or village; procedure. 7§ '05 ch.185, 15 F
- h Pa. Amdg. '85 ch.33 art.3 §1: removal of policeman or fireman of 1st class city by decree of court not effective till written notice has been given to Director of Public Safety & approved. 4§ '05 ch.242, 5 My
- i Vt. "An act rel. to chiefs of police"; where not provided for in city or village charter. 5§ '04 ch.80, 14 N

876 Pensions

- a Me. An act rel. to pensioning members of police dep't of city of Bangor. 4§ '05 private laws, ch.349, 21 Mr
- b Minn. Amdg. '03 ch.159 §1: city of 50,000 [in county of 150,000 -225,000] may create police pension fund; city treasurer to be custodian. 4§ '05 ch.109, 5 Ap
- c Minn. City of 50,000 with police pension fund may pay retired or disabled police matron \$25 a mo. 4§ '05 ch.184, 15 Ap
- d N. Y. Amdg. '98 ch.182 §185 rel. to management of police pension funds in 2d class city. 2§ '05 ch.444, 16 My

PUBLIC ORDER

877

Miscellaneous police regulations

See also 256, Crimes against public order and security; 264, Crimes against public morals and the family; 2065, Nuisances; 1090, Public safety; 2722, Roads

879

Amusements

Relating chiefly to restricted amusements

881

Billiards. Bowls etc.

- a Fla. Amdg. '03 ch.1 §36: license tax for billiard & pool tables dis-
connected with barroom, \$10. 1§ '05 ch.8, 11 My
- b Minn. Amdg. G.S.'94 §1224 subdiv.15: village incorporated under
S.'94 §1200 may license or prevent keeping of *pool tables & all other
games & devices*. 1§ '05 ch.138, 11 Ap
- c N. D. Minors under 18 not to be allowed or employed in pool,
billiard, bowling or card rooms. 3§ '05 ch.137, 24 F
- d Pa. Msdr. for owner of poolroom or bowling alley to knowingly
allow minor under 18 to frequent. 2§ '05 ch.153, 18 Ap
- e Tex. Msdr. to allow minor to frequent billiard or pool hall or bow-
ling alley without consent of parent or guardian. 1§ '05 ch.75, 11 Ap
- f Vt. Amdg. S. §4869 owner of pool or billiard room or bowling
alley not to allow minor to play *or frequent place of play, without
written consent of parent* [if requested in writing not to allow]. 1§
'04 ch. 147, 1 D

883

Gambling. Lotteries. Betting

See also 1507, Speculation

- a Ill. Prohibiting policy playing; possession of article used for game
presumptive evidence of guilt. 3§ '05 p.192, 29 Ap
- b Kan. Amdg. G.S.'01 §2247 rel. to testimony of participant in
prosecution for gambling; perjury. 2§ '05 ch.209, 4 Mr
- c Me. Amdg. R.S.'03 ch.126 §1, 11-12 rel. to gambling: punish-
ment; apprehension of offenders; destruction of implements. 3§
'05 ch.105, 21 Mr
- d Nev. Amdg. '79 ch.110 §7 rel. to location of licensed gaming
place. 1§ '05 ch.50, 13 Mr
- e Nev. Amdg. '01 ch.13 §1,4: license fee of \$20 a quarter to oper-
ate nickel-in-the-slot or similar machine; not to be in view of street
or used by minor. 3§ '05 ch.52, 15 Mr
- f N. Y. Society prosecuting policy player to receive fine. 1§
'05 ch.163, 8 Ap
- g Tex. Penalty for keeping gaming house. 1§ '05 ch.22, 3 Mr
- h Tex. Injunction may be granted against use of building for gam-
ing. 3§ '05 ch.153, 19 Ap
- i Wis. Governing bodies of municipalities may prohibit gambling
& destroy gambling devices & equipment. Adds S.'98 §959 subdiv.
71. 1§ '05 ch.270, 27 My

885 Lotteries

- a Ct. Club for sale of property by chance prohibited; penalty. 1§
'05 ch.205, 29¹Je

887 Poolselling, bookmaking etc.

- a Kan. City of 3d class may prohibit poolroom within city limits.
2§ '05 ch.125, 4 Mr

- b Mo. Rep. R.S. '99 ch. 105 art. 2 licensing poolselling & bookmaking at state fair. 1§ '05 p. 304, 10 Mr
- c Mo. Penalty for bookmaking & poolselling. 2§ '05 p. 131, 21 Mr
- d Tenn. Penalty for gambling on races. Rep. C. '96 § 4881. 5§ '05 ch. 82, 27 Mr
- e Tex. Amdg. & supplementing '03 ch. 50 rel. to betting on horse race: Sunday racing; poolselling. Adds § 4, 5. '05 ch. 165, 2 My

893

Shows. Theaters. Exhibitions

- a Cal. Msdr. to sell ticket to place of amusement for more than original price. Adds Pen. C. § 526. 1§ '05 ch. 140, 18 Mr
- b Cal. Rep. Pen. C. § 306 which prohibited exhibition of female in public place where intoxicant is sold or used. 1§ '05 ch. 501, 21 Mr
- c Mass. Amdg. R. L. ch. 102 § 172: mayor [aldermen] of city to license theatrical exhibition, public show or amusement. 1§ '05 ch. 341, 26 Ap
- d Or. Msdr. to exhibit hypnotized subject. 1§ '05 ch. 197, 21 F
- e R. I. Sheriff or deputy may enter exhibition, performance etc. in performance of duties; penalty for obstructing officer. Adds G. L. ch. 103 § 8, 9. 2§ '05 ch. 1249, 11 My
- f Vt. Penalty for unlicensed circus performance. Supplements S. § 4873. 3§ '04 ch. 148, 7 D

895

Cruelty to children and animals

- a Cal. Incorp. & powers of societies for prevention of cruelty to children and animals. Adds C. C. div. 1 pt 4 t. 12a. 8§ '05 ch. 434, 21 Mr
- b Minn. Minn. Society for Prevention of Cruelty to be State Bureau of Child & Animal Protection, on acceptance of conditions by soc.; annual report to Sec. of State. 6§ '05 ch. 274, 18 Ap
- c Mon. Reorganizing Bureau of Child & Animal Protection. Rep. '03 ch. 115 § 1-8. 11§ '05 ch. 96, 4 Mr
- d N. Y. Amdg. membership corp. law '95 ch. 559 § 7 as to consolidation of Soc. for Prevention of Cruelty to Children or Animals. 2§ '05 ch. 663, 31 My

896

Cruelty to animals*See also 2302, Teaching of humane treatment of animals*

- a Cal. Amdg. '74 ch. 340 § 1: Soc. for Prevention of Cruelty to Animals may hold personalty & real estate yielding annual income of \$10,000. 1§ '05 ch. 389, 20 Mr
- b Cal. Cruelty to animals; overdriving or loading; fighting; torture; impounding without food or water; docking; abandonment; killing when unfit for work. Amds. Pen. C. § 597; adds § 597a-f, 599a-e 12§ '05 ch. 519, 21 Mr
- c Col. Railroad employees to care for animal injured while on tracks & notify Stock Inspection Com'rs. 2§ '05 ch. 121, 6 Ap
- d Col. Rep. '99 ch. 93 so far as it prohibited importation of docked pure bred stallions & mares for breeding or exhibition purposes only. 1§ '05 ch. 98, 10 Ap
- e Col. Unlawful to cause animals to fight or to release for hunting or shooting; wilful spectator guilty as principal. 3§ '05 ch. 99, 11 Ap
- f Ill. Msdr. to use live bird as target. 1§ '05 p. 4, 7 Ap

- g Ind. Amdg.'89 ch.208 §7: act rel. to cruelty to animals to apply to doves & pigeons. 1§ '05 ch.78, 3 Mr
- h Me. Amdg. R.S.'03 ch.125 §48: officer of Soc. for Prevention of Cruelty to Animals may kill when past recovery *from lack of food, water or shelter*. 1§ '05 ch.70, 15 Mr
- i Me. Amdg. R.S.'03 ch.125 §53 rel. to compensation of officers enforcing law against cruelty to animals. 1§ '05 ch.107, 21 Mr
- j Me. Amdg. R.S.'03 ch.125 §51: keeping or leaving sheep on barren island. 1§ '05 ch.113, 21 Mr
- k Mich. Amdg.'01 ch.45 §1 rel. to docking horse's tail: lawful upon certificate of veterinary surgeon. 1§ '05 ch.322, 20 Je
- m Mon. Amdg. Pen.C. §1091 rel. to penalty for abandoning disabled animal. 2§ '05 ch.35, 25 F
- n Neb. Amdg. Ann.S.'03 §2129: msdr. to abuse or torment domestic animal. 2§ '05 ch.185, 30 Mr
- p N. H. Fines for cruelty to animals imposed under P.S. ch.267 to go to soc. prosecuting. '05 ch.24, 16 F
- q N. M. Msdr. to give or participate in cattle-roping exhibition. 3§ '05 ch.32, 3 Mr
- r N. M. Person violating C.L.'97 §1133-34 rel. to cruelty to animals may be arrested by any witness of act. '05 ch.94, 16 Mr
- s N. Y. Membership corp. for prevention of cruelty to animals may change location of main office; procedure. Adds §73 to membership corp. law '95 ch.559. 1§ '05 ch.271, 22 Ap
- t Okl. Vivisection prohibited in public schools. 1§ '05 ch.33 art.12 §3, 4 Mr
- u Okl. "An act for prevention of cruelty to animals." 9§ '05 ch.13 art.1, 13 Mr
- v Or. Msdr. to use live pigeon for target. 1§ '05 ch.76, 13 F
- w S. C. Amdg. Crim.C. §631: deputy to be appointed in each township to prosecute for cruelty to animals; to have $\frac{1}{2}$ fines. 1§ '05 ch.475, 9 Mr
- x Tex. Msdr. to engage in roping contest. 1§ '05 ch.49, 29 Mr
- y Wis. Amdg. S.'98 §4445: penalty for death of animal caused by cruelty or administering poison. 1§ '05 ch.213, 16 My

900 **Intoxicating liquors. Narcotics**

See also 998, Adulteration

- a N. H. Amdg.'03 ch.95 rel. to liquor traffic; power of special agents; restricted locations; license fees; druggists; sale of license by administrator; power of license bd; compulsory attendance of witnesses; fees; penalties. 20§ '05 ch.49, 9 Mr
- b N. C. Rep.'03 ch.349 which restricted liquor traffic, except as applied to Cleveland, Cabarrus, Mitchell & Gaston counties. 2§ '05 ch.361, 2 Mr
- c Vt. Rev.'02 ch.90 regulating traffic in intoxicating liquor. 116§ '04 ch.115, 10 D

902 **Prohibition**

- a Me. Enforcement of prohibitory law: enforcement com'n; special attys. 12§ '05 ch.92, 18 Mr

- b **Tex.** Msdr. to solicit or receive orders for sale or delivery of liquor in prohibition district. 1§ '05 ch.159, 18 Ap
- c **Tex.** Msdr. to ship liquor to prohibition district without marking contents of package; carrier to record arrival of package at destination & if unclaimed for 7 days to return to shipper. 3§ '05 ch.160, 18 Ap
- 903 **Dispensaries**
- a **N. C.** Amdg.'03 ch.233 §14: record of sales to be kept by dispensary *in discretion of dispensary com'rs*; msdr. to purchase liquor for person forbidden by com'rs to use same. Adds §19a. 2§ '05 ch.458, 6 Mr
- b **S. C.** Amdg. Crim.C. §562: county bd may fill vacancy in office of county dispenser as soon as it deems necessary. 1§ '05 ch.427, 22 F
- c **S. C.** Joint Leg. com'n of 3 to investigate state dispensary. 9§ '05 p.1220
- 904 **Local option**
- a **Minn.** Election to decide local option as to liquor traffic in village of 2000. 2§ '05 ch.10, 14 Mr
- b **N. Y.** Amdg. liquor tax law '96 ch.112 §16, 23, 28, 34, 36: local option; persons who shall not traffic in liquor; cancelation of license; convictions; county clerk's reports & fees. 5§ '05 ch.680, 1 Je
- c **S. D.** Amdg P.C. §2837: license to sell intoxicating liquor to be granted only on majority vote at last gen. election. 2§ '05 ch.124, 8 Mr
- d **Tex.** Amdg. R.C.S.'95 art.3393 rel. to when second local option election on sale of liquor may be held. 1§ '05 ch.158, 18 Ap
- 907 **Liquor licenses**
- a **Ct.** Amdg. G.S.'02 §2657 rel. to publication of application for liquor license. 1§ '05 ch.30, 2 My
- b **Ct.** Amdg. G.S.'02 §2649 rel. to payment of portion of liquor license fee to county & town treasurer: exception. 1§ '05 ch.40, 5 My
- c **Ct.** Amdg. G.S.'02 §2734 rel. to attachment of liquor license. 1§ '05 ch.106, 25 My
- d **Ct.** Amdg. G.S.'02 §2660 as to time of filing notice of appeal from grant or refusal to revoke liquor license. 1§ '05 ch.150, 21 Je
- e **Ct.** Amdg. G.S.'02 §2650 rel. to annual report of county com'rs on liquor licenses granted. 1§ '05 ch.260, 19 Jl
- f **Fla.** In counties voting to discontinue license amount of unexpired license to be refunded to licensee. 2§ '05 ch.108, 1 Je
- g **Ind.** Amdg. '95 ch.127 §9 rel. to local remonstrance by majority of voters against granting liquor licenses; forms. 1§ '05 ch.6, 15 F
- h **Mass.** Amdg. R.L. ch.100 §20 as to refund of portion of liquor license fee where licensee dies before expiration of term. 1§ '05 ch.206, 23 Mr
- i **Mass.** "An act rel. to storage of intoxicating liquor by persons holding 4th or 5th class license." 1§ '05 ch.284, 13 Ap
- j **Minn.** License to sell intoxicant in lots of 5 gal. to other than licensed saloon keeper, druggist or physician to be issued only on petition of 100 legal voters & fee of not less than \$500 annually. 2§ '05 ch.346, 20 Ap

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- k Mon.** Liquor license where population is less than 100. 4§
'05 ch.71, 3 Mr
- m Mon.** Amdg. P.C. §4063 rel. to liquor license fees. 2§
'05 ch.82, 3 Mr
- n Neb.** Amdg. Ann.S. '03 §7155-56: \$5000 bond *with 1 surety where an approved surety co. or 2 persons required, for issue of liquor license; limitation of sureties.* 3§
'05 ch.92, 25 Mr
- p Nev.** Amdg. '91 ch.99 §124: saloon employing women must pay \$500 [\$5000] a quarter license tax; $\frac{2}{3}$ to county, $\frac{1}{3}$ to state. 1§
'05 ch.107, 15 Mr
- q Nev.** Providing for state liquor licenses; form; fees; penalties. Supplementing '91 ch.99. 9§
'05 ch.128, 15 Mr
- r N. J.** Amdg. '92 ch.'75 §1: city of 1st class to publish name of applicant for liquor license in 1 or more newspapers. 2§
'05 ch.105, 6 Ap
- s N. J.** City hotel may secure liquor license without providing stabling & provender for beasts. Supplements '02 ch.107. 1§
'05 ch.270, 7 Ag
- t N. Y.** Amdg. liquor tax law '96 ch.112 §17, 24 rel. to obtaining & filing of consents to issue of new liquor license after revocation. 3§
'05 ch.677, 1 Je
- u Wash.** Local liquor license invalid till indorsed with state receipt for fee. 2§
'05 ch.122, 9 Mr
- v Wis.** Amdg. S.'98 §1548 rel. to liquor licenses in towns, cities & villages. 3§
'05 ch.20, 20 Mr
- 908 Excise boards**
- a Mo.** Amdg. R.S.'99 §3019, 3026 rel. to appointment, duties & salary of Mun. Excise Com'r. 1§
'05 p.142, 24 Mr
- 910 Regulations and restrictions**
See also 149, Election offenses; 998, Adulteration
- a N. C.** Amdg. '03 ch.233 §1, 4, 19: liquor not to be manufactured or rectified in municipality under 1000; town where liquor is manufactured or sold to have 2 policemen; weekly inspection of distilleries; reports. Adds §20-21. 7§
'05 ch.339, 1 Mr
- b Tex.** Msdr. for persons storing liquor for others to permit it to be drunk on premises. 1§
'05 ch.64, 5 Ap
- c Wis.** Prohibiting presence of girls under 17 unaccompanied by parent at dances in or near saloons. Adds S.'98 §1557a. 1§
'05 ch.103, 22 Ap
- 911 Minors. Persons to whom prohibited**
- a Cal.** Msdr. for other than parent or guardian to supply minor under 18 with intoxicant or to allow him to visit place where same is sold. Adds Pen.C. §397b. 1§
'05 ch.514, 21 Mr
- b Fla.** Prohibiting sale or gift of liquor to Indians; proviso. 2§
'05 ch.72, 24 My
- c Ind.** Msdr. for owner of place of entertainment where liquor is sold to allow boy under 16 or girl under 17 to frequent. 1§
'05 ch.99, 4 Mr

- d **Minn.** Msdr. to knowingly furnish liquor to paroled prisoner. 2§
'05 ch.72, 24 Mr
- e **Mo.** Amdg. R.S.'99 §2995, 3009, 3013, 3015 as to sale of intoxicant to minor. 4§
'05 p.140, 20 F
- f **Mon.** Amdg. Pen. C. §541 as to sale of intoxicant to minor. 2§
'05 ch.17, 16 F
- g **Or.** Prohibiting sale of intoxicant to female under 21 or the frequenting by such female of place where same is sold; exceptions. 1§
'05 ch.198, 21 F
- h **Wash.** Amdg. Ballinger's Ann.C. & S.'97 §2945 rel. to action against liquor dealer for damages caused by intoxicated person. 1§
'05 ch.62, 3 Mr
- i **Wis.** Amdg. S.'98 §1557: penalty for sale of liquor to minor under 17. 1§
'05 ch.299, 3 Je
- 912 Restricted localities**
 - a **Cal.** Amdg. Pen.C. §172 rel. to prohibition of sale of intoxicant in territory adjacent to certain state buildings. 1§ '05 ch.491, 21 Mr
 - b **Cal.** Rep. Pen.C. §303 which made sale of liquor or employment of woman to sell same at place of amusement msdr. 1§
'05 ch.500, 21 Mr
 - c **Mon.** Amdg. Pen.C. §717 rel. to prohibition of sale of intoxicant within certain limits. 2§
'05 ch.39, 27 F
 - d **Neb.** Msdr. to retail liquor within 5 miles of labor camp of 25 men; license prohibited; justices of peace to have jurisdiction. 3§
'05 ch.93, 3 Ap
 - e **N. J.** Amdg. '89 ch.53 §11: liquor license not to be granted to new place within 200 ft of church, school or armory. 1§ '05 ch.21, 8 Mr
 - f **N. M.** Amdg. C.L.'97 §4124 rel. to prohibition of liquor traffic in certain localities. 6§
'05 ch.115, 16 Mr
 - g **N. Y.** Amdg. liquor tax law '96 ch.112 §24 rel. to maintenance of saloon near public industrial or penal inst. 1§ '05 ch.104, 30 Mr
 - h **S. D.** Msdr. to sell liquor within 5 miles of public work construction camp; sale under existing license excepted. 3§
'05 ch.122, 7 Mr
 - i **Tenn.** Msdr. to buy liquor for another within 4 miles of school-house, whether school be in session or not. 4§ '05 ch.422, 15 Ap
 - j **Wis.** Amdg. S.'98 §1548 as to sale of liquor near public & parochial schools. 1§
'05 ch.385, 17 Je
 - k **Wy.** Msdr. to carry intoxicant into mine or metallurgical works or to enter when intoxicated. 1§
'05 ch.58, 20 F
- 913 Sale by druggists**
 - a **Mo.** Druggist to file with county clerk monthly list of prescriptions solely of intoxicating liquor. Adds R.S.'99 §3048a. 1§
'05 p.145, 15 Ap
 - b **N. Y.** Rep. liquor tax law '96 ch.112 §11 subdiv. 3a which regulated sale of liquor in pint lots by pharmacist & imposed 10c tax. 1§
'05 ch.678, 1 Je
 - c **N. D.** Amdg. R.C.'90 §7594, 7596 regulating druggists' permit to sell liquors. 2§
'05 ch.98, 6 Mr

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- d R. I. Amdg. G. L. ch.102 §52-54 rel. to sale of liquor by retail druggist: license; not to be sold on Sun. without physician's prescription. 3§ '05 ch.1223, 14 Ap
- e R. I. Amdg. G.L. ch.102 §53: druggist's liquor license may be granted in town or city voting against liquor license. 1§ '05 ch.1239, 10 My
- f S. D. Amdg. P.C. §2860: wholesale druggist having over \$20,000 stock may sell liquor to registered pharmacist. 2§ '05 ch.146, 24 F
- g Wis. Amdg. S.'98 §1548a rel. to sale of liquors by pharmacist: sale in municipality where license not granted. 1§ '05 ch.349, 12 Je
- 914 Saloons
 - a Nev. Rep.'89 ch.72 which required saloon or gaming house to close at midnight. 1§ '05 ch.69, 7 Mr
- 916 Illegal traffic
 - a Ct. Amdg. G.S.'02 §2701: penalty for being in place where liquors are sold at unlawful hours. 1§ '05 ch.19, 19 Ap
 - b Ct. Amdg. G.S.'02 §2731 rel. to purchases of liquor by agent: production of orders on request of certain officers. 1§ '05 ch.117, 6 Je
 - c Ct. Complaint in prosecution under liquor law. 2§ '05 ch.274, 19 Jl
 - d Kan. Msdr. for carrier to deliver intoxicant except on written order of consignee or for latter to issue same except to secure delivery to himself. 3§ '05 ch.347, 4 Mr
 - e Minn. Defining & penalizing "common & habitual liquor selling without license." 2§ '05 ch.54, 21 Mr
 - f Minn. Msdr. to engage in unlicensed liquor traffic in counties of 75,000-150,000. 5§ '05 ch.59, 23 Mr
 - g Minn. Frequenter of place suspected of illegal liquor traffic may be subpoenaed & examined on affidavit of resident voter. 1§ '05 ch.192, 15 Ap
 - h Minn. Amdg. '87 ch.6 §1: liquor dealers bond "penal"; amount recoverable limited to damage; liable after revocation of license. 1§ '05 ch.246, 18 Ap
 - i Minn. County of 150,000 - 200,000 may appoint license inspector to enforce liquor laws. 4§ '05 ch.298, 19 Ap
 - j N. H. Amdg. P.S.ch.112 §15 as to penalty for illegal sale of liquor. 1§ '05 ch.46, 8 Mr
 - k N. H. Amdg. P.S.ch.112 §15 rel. to illegal sale of alcoholic beverages. 1§ '05 ch.116, 10 Mr
 - m N. H. "An act rel. to enforcement of laws rel. to illegal sale of intoxicating liquors in no-license territory." 13§ '05 ch.117, 10 Mr
 - n N. Y. Amdg. liquor tax law '96 ch.112 §2 as to definition of "trafficking in liquors." 1§ '05 ch.679, 1 Je
 - p N. C. Place of "delivery" of intoxicating liquor to mean place of sale; proviso; applies in 46 counties & 8 townships. 3§ '05 ch.440, 4 Mr
 - q N. C. Illegal sale & manufacture of intoxicating liquors. Supplements C. §1050. 8§ '05 ch.498, 6 Mr

- r R. I. Building used for sale of liquor by club or ass'n without special club license deemed a common nuisance; charter of incorporated club to be void on conviction of member for violation of act. Supplements G.L.ch.92. 1§ '05 ch.1235, 5 My
- s R. I. Penalty for soliciting order for sale of liquor except in unrestricted locality. Supplements G.L. ch.102. 1§ '05 ch.1236, 5 My
- t S. D. Msdr. for physician to give prescription for intoxicating liquor except for medicinal purpose. 3§ '05 ch.123, 7 Mr
- u Tex. C.O.D. sale of intoxicant to be deemed made at place of delivery & payment, '01 ch.96, 17 Ap. *Unconst.* Gives "sale" meaning foreign to sense intended in art.16 §20 authorizing local option. Keller v. State 87 S.W. 669 (1905).
- v Wis. Amdg. S.'98 §1551 as to seizure & destruction of intoxicating liquors when illegally sold. 1§ '05 ch.230, 22 My
- w Wis. Amdg. S.'98 §1565: conditions under which delivery of order for liquors constitutes sale. 1§ '05 ch.341, 12 Je
- 921 **Intoxication. Inebriates**
See also 446. Guardianship; 2310. Teaching of effects of alcohol and narcotics
- a N. H. Requiring strict enforcement of P.S. ch.264 §14 rel. to drunkenness; expenses of detention of prisoner a county charge. 3§ '05 ch.105, 10 Mr
- 922 **Institutions. Treatment**
- a Me. Treatment of sufferers from habitual use of narcotics. 3§ '05 ch.3, 9 F
- b Mass. Changing name of Mass. Hospital for Dipsomaniacs & Inebriates to Foxborough State Hospital. 1§ '05 ch.400, 12 My
- c Neb. Dipsomaniacs, inebriates & persons addicted to use of narcotic drugs to be committed to State Hospital for Insane; procedure; detention till cured, not exceeding 3 yrs; parole; support by county from which sent. 8§ '05 ch.82, 28 Mr
- 923 **Punishment**
- a Ga. Msdr. to be intoxicated in public. 3§ '05 p.114, 22 Ag
- b Mass. Amdg. R.L. ch.212 §37 as to trial of person arrested for drunkenness & petition for release. 2§ '05 ch.384, 8 My
- c Tenn. Grand juries to have inquisitorial powers in cases of drunkenness. 2§ '05 ch.7, 3 F
- d Vt. Upon conviction for intoxication court may remit fine or suspend execution of judgment for 2 yrs issuing mittimus if necessary. 1§ '04 ch.116, 9 D
- 924 **Tobacco**
- a Ari. Amdg. Pen.C. §272 rel. to sale of tobacco to minor. 2§ '05 ch.36, 16 Mr
- b Ind. Amdg. '89 ch.131 §2 rel. to penalty for furnishing tobacco to minor under 16. 1§ '05 ch. 17, 17 F
- c Tenn. Msdr. to sell or give tobacco to minors under 17. 4§ '05 ch.2, 4 F
- 925 **Cigarettes**
- a Ind. Msdr. to manufacture, sell or give away cigarette or wrapper. 2§ '05 ch.52, 28 F

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- b **Neb.** Msdr. to manufacture, sell or give away cigarettes or cigarette paper [to any person under 21]. Rep. Ann.S.'03 §2363-66. 5§
'05 ch.198, 4 Ap
- c **Okl.** Msdr. to sell cigarettes, cigarette paper & substitutes therefor. 2§
'05 ch.13 art.3, 13 Mr
- d **Pa.** Amdg. '03 ch.110 §1: msdr. to *furnish*[sell] cigarettes or cigarette paper to minor. 1§
'05 ch.27, 16 Mr
- e **Wis.** Prohibiting manufacture & sale [to minors] of cigarettes or cigarette paper. Rep. S.'98 §4608f. 2§
'05 ch.82, 13 Ap

926

Opium, cocain etc.*See also 953. Sale of poisons*

- a **Ct.** Cocain or eucane or compounds not to be sold except on physician's original prescription. 2§
'05 ch.127, 7 Je
- b **Fla.** Prohibiting maintenance or visiting of opium den. 7§
'05 ch.89
- c **Minn.** Regulating compounding & sale of cocain. 4§
'05 ch.42, 15 Mr
- d **Mo.** Sale of cocain. 2§
'05 p.145, 9 Mr
- e **Neb.** Prohibiting sale of cocain except on physician's prescription; prescription not to be refilled. 2§
'05 ch.203, 28 Mr
- f **N. C.** Msdr. to retail preparation containing over 30% cocain, opium or morphin except on physician's original prescription; veterinarian not to prescribe for human being. 3§
'05 ch.85, 2 F
- g **Tex.** "An act to regulate sale of cocain & other drugs . . ." 4§
'05 ch.35, 23 Mr
- h **Wy.** Amdg. '03 ch.98 §1: pharmacist may fill prescription of *qualified veterinarian* containing delirifacient drug. 2§
'05 ch.55, 20 F

927

Mob violence

- a **Cal.** Rep. Pen.C. §725,728-33 rel. to suppression of riots. 7§
'05 ch.350, 20 Mr
- b **Ill.** Lynching a felony; liability of city or county to family of victim; removal & reinstatement of officer in charge of prisoner. 6§
'05 p.190, 16 My

928

Prostitution*See also 1044. Venereal diseases*

- a **Cal.** Penalty for prostituting woman against her will; landing Chinese or Japanese woman to sell; paying female for immoral purpose. Adds Pen.C. §266a-g. 7§
'05 ch.497, 21 Mr
- b **Cal.** Amdg. Pen.C. §315: common repute receivable as evidence against house of ill fame. 1§
'05 ch.507, 21 Mr
- c **N. Y.** Amdg. Pen.C. §322: msdr. to advise or procure female to become inmate of disorderly house. 1§
'05 ch.270, 22 Ap
- d **Or.** Felony for husband to procure prostitution of wife or for man to accept prostitute's earnings. 2§
'05 ch.71, 11 F
- e **Or.** Amdg. Ann. C.& S. §1932 rel. to penalty for keeping or allowing property to be used as house of ill fame. 1§
'05 ch.211, 22 F
- f **Pa.** Msdr. for male to frequent bawdyhouse or accept money or value from proprietress or inmate except in course of lawful business. 1§
'05 ch.144, 18 Ap

929

Sunday observance

See also 915, Intoxicating liquors; 2092, Sunday labor

- a Cal. Rep. Pen.C. §310½ which made it msdr. to keep barber shop or bath house open on Sunday or legal holiday after 12 m. 1§
'05 ch.502, 21 Mr
- b Fla. Prohibiting baseball, football, bowling or horse racing on Sun. 2§
'05 ch.65, 5 Je
- c Id. Msdr. to keep open saloon, race track, or place of amusement on Sun.; county com'rs on petition may grant exceptions; law inapplicable to incorporated cities or villages, or on boats or trains carrying passengers. 1§
'05 p.295, 7 Mr
- d Vt. Amdg. S. §5142 as to penalty for hunting on Sun. 2§
'04 ch.132, 9 D

930

Public health and safety

932

General supervision

See also 2160, Sick and disabled

- a Ari. Amdg. '03 ch.65 §10, 11 rel. to compensation & duties of county sup't of health. 3§
'05 ch.47, 16 Mr
- ai Cal. Local bd of health to enforce rules of State Bd & report monthly. Adds P.C. §2984. 2§
'05 ch.86, 7 Mr
- b Cal. Amdg. P.C. §2978-79, 2982 rel. to appointment & duties of State Bd of Health. Rep. P.C. §2983. 5§
'05 ch.340, 20 Mr
- c Col. Amdg. '93 ch.133 §49 rel. to reports of local bds to State Bd of Health. 3§
'05 ch.127, 10 Ap
- d Mass. Amdg. R.L. ch.9 §7: 4500 [5000] copies of annual report of Bd of Health to be printed of which 500 may be issued in parts. 1§
'05 ch.275, 7 Ap
- e Mich. Amdg. '73 ch.81 §4-7 rel. to State Bd of Health: term of sec. 6 yrs [during faithful performance of duties]; duties; salary \$2500; \$9000 [\$4000] annual appropriation. Rep.'81 ch.241, '97 ch.142, '01 ch.140. 5§
'05 ch.18, 16 Mr
- f Mich. Sec. of State Bd of Health may appoint assistant at salary, \$1500. '05 ch.318, 17 Je
- g N. Y. Amdg. Pen.C. §397: msdr. to wilfully violate rules of Bd of Health. 1§
'05 ch.443, 16 My
- h Or. Establishing county & mun. bds of health; reports of diseases & vital statistics. 7§
'05 ch.170, 21 F
- i Pa. Creating Dep't of Health to consist of Com'r of Health & Advisory Bd; division of state into health districts & appointment of officers; annual report by Com'r to Gov. '05 ch.218, 27 Ap
- j S. C. Mun. corp. to maintain bd of health; quarantine; duty of attending physician. 4§
'05 ch.450, 22 F
- k Vt. Amdg. '02 ch.113 as to clerical assistance, appropriation; report, & officers of State Bd of Health. 8§
'04 ch.137, 3 D
- m Wis. Amdg. S. '98 §1406 rel. to State Bd of Health: president of bd; compensation of members; duties; plans for city or village water or sewerage systems to be approved by bd. 3§
'05 ch.433, 19 Je

PUBLIC HEALTH

934 Local boards and officers

- b Ct. Amdg. G.S. '02 §2531: county health officer may fill vacancy in city or borough health office. 1§ '05 ch.15, 12 Ap
- c Nev. Each county to establish bd of health; msdr. to disobey rules. 2§ '05 ch.42, 2 Mr
- d N. J. City organized under '03 ch. 168 to have health bd of 7; term 4 yrs. Supplements '03 ch.168. 2§ '05 ch.66, 29 Mr
- e N. Y. Amdg. '08 ch.182 §226: city of 2d class to be divided into from 2 - 12 [7] health districts. 1§ '05 ch.232, 19 Ap
- f N. D. Amdg. R.C.'99 §2581: village trustees to constitute local bd of health. 2§ '05 ch.52, 7 Mr
- g S. D. Amdg. P.C. §252 as to compensation of sup't of county bd of health. 2§ '05 ch.76, 7 Mr
- h Vt. Amdg. '02 ch.113 §19 rel. to fees of health officer. 1§ '04 ch.138, 10 D

936 State laboratories

- a Cal. Establishing State Hygienic Laboratory at State Univ. for bacteriological & chemical analyses; management by State Bd of Health. 5§ '05 ch.223, 18 Mr
- b Ct. Provision for Bacteriological Laboratory for diagnosis of infectious diseases; \$3000 annual appropriation. 2§ '05 ch.162, 21 Je
- c N. C. Establishing State Laboratory of Hygiene; for exam. of water & germ diseases; \$60 annual tax on water co. to support; \$1200. Rep. '03 ch.159 §17. 4§ '05 ch.415, 4 Mr
- d U. Amdg. '03 ch. 97 §3: State Chemist to analyze for & report to State Bd of Health. 1§ '05 ch.80, 9 Mr
- e Wis. Continuing for 2 yrs State Hygienic Laboratory at State Univ. for exam. of water supplies & study of contagious diseases. 4§ '05 ch.471, 20 Je

938 Vital statistics

See also 474, Family; 1052, Burial

- a Cal. Amdg. P.C. §3074-83 rel. to State Bureau of Vital Statistics: registry of marriage or birth; duty of local officers; fees. Rep. §3084. 12§ '05 ch.110, 18 Mr
- b Col. Amdg. '93 ch.133 §46 rel. to contents of physician's or midwife's report of birth or death; to be made to local health bd within 1 week. 3§ '05 ch.127, 10 Ap
- c Ct. Amdg. G.S.'02 §1858 rel. to reports by town registrar of births, marriages & deaths to State Sup't of Vital Statistics. 1§ '05 ch.11, 5 Ap
- d Ct. Form & preservation of vital statistic returns & records. 8§ '05 ch.14, 12 Ap
- e Ct. Manner of writing & signing certificate of birth, marriage or death or sexton's report. 1§ '05 ch.16, 19 Ap
- f Ct. Amdg. G. S. '02 § 1870 rel. to registration of birth, marriage & death: minimum penalty \$7 [\$10]. 1§ '05 ch.18, 19 Ap
- g Ct. Amdg. G.S. '02 §1858, 1862, 1871: certificate giving "heart failure" as cause of death; date of reception to be noted on birth, marriage or death certificate. 3§ '05 ch.21, 2 My

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- h** Ct. Copy of birth, marriage or death certificate to be sent to registrar of vital statistics of town of residence of, parents of child born, parties to marriage, or of deceased. 1§ '05 ch.153, 21 Je
- i** Mich. Registration of births. 13§ '05 ch.330, 20 Je
- j** Neb. Registration of vital statistics. 9§ '05 ch.98, 16 F
- k** N. H. Town clerks to send to registrar of vital statistics information necessary to complete records in that office. 4§ '05 ch.21, 15 F
- m** Pa. Registration of vital statistics. 25§ '05 ch.221, 1 My
- n** U. Registration of births & deaths: duties of state & local registrars; districts; certificates. Rep. R.S.'98 §2029-36, '99 ch.45 §19-23. 24§ '05 ch. 120, 16 Mr
- p** Vt. Rev. '02 ch.114 rel. to registration of vital statistics. Amdg. S. §2637. 17§ '04 ch.140, 16 N
- q** Vt. "An act to provide for index for marriages, births & deaths;" to be kept by town clerk. 3§ '04 ch.141, 9 D
- r** Wis. Cities & villages to keep record of births & deaths, quarterly reports to State Bd of Health; 1st class cities excepted. 4§ '05 ch.208, 16 My
- s** Wis. Amdg. S. '98 §764, 764a, 1022, 1026, 1409 rel. to vital statistics: accidents to be reported; fees; \$3000 additional annual appropriation. 9§ '05 ch.416, 17 Je
- t** Wis. Collection of birth & death statistics. Rep. '03 ch.415. 5§ '05 ch.439, 19 Je

940

State control of medicine

See also 2348, Medical schools

943

License to practise

944

Medicine

See also 1588, Veterinary practice

- a** Col. Rev. '81 p.185 rel. to practice of medicine. 14§ '05 ch.135, 20 Ap
- b** Fla. Amdg. R.S.'92 § 801-2, 805, 810 rel. to appointment of state bds of medical examiners: semiannual meetings; exam. fees. 4§ '05 ch. 55, 15 My
- c** Ind. Gov. to appoint 6th member of bd of medical examiners of different system of practice from other members; bd to examine & license osteopaths. 1§ '05 ch.115, 4 Mr
- d** Mich. Primary exam. of medical student by State Bd of Registration in Medicine. 2§ '05 ch. 56, 12 Ap
- e** Mich. Amdg. '99 ch. 237 §3 as to revocation of physician's certificate of registration. 1§ '05 ch.161, 1 Je
- f** Mich. Amdg. '99 ch.237 §7 rel. to penalty for practising medicine without certificate. 1§ '05 ch.207, 13 Je
- g** Minn. Licensing of physicians from other states; reciprocal proviso. 3§ '05 ch.236, 18 Ap
- h** Mo. Amdg. '01 p. 207 §3: State Bd of Health may admit certificated physician of any state or territory without exam. 1§ '05 p.212, 10 Ap
- i** Nev. Regulating practice of medicine & surgery. 18§ '05 ch.63, 4 Mr

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- j N. Y. Amdg. public health law '93 ch.661 §153: district atty. to prosecute person practising medicine without license. 1§
'05 ch.455, 16 My
- k N. D. Amdg. R.C.'99 §277, 280 rel. to practice of medicine. 3§
'05 ch.148, 6 Mr
- m S. C. Amdg. '04 ch.292 §4-6: Bd of Medical Examiners to meet 2d Tues. in June [4th Tues. in Ap.]; fee \$10 [\$5]; $\frac{1}{2}$ refunded on failure to pass; eligibility of graduate of medical school. 4§
'05 ch.465, 4 Mr
- n S. D. Amdg. '03 ch.176 §2, 23: Gov. to appoint medical examiners before Ap. 1 [July 3] of each yr; recording license. 3§
'05 ch.136, 28 F
- p Tenn. Amdg. '01 ch. 78 §1 rel. to practice of medicine & surgery: graduates of approved medical college with 10 yrs practice in state, exempt from exam. 1§
'05 ch.111, 30 Mr
- q Tex. Physician's license may be revoked for malpractice or fraudulent conduct. 1§
'05 ch.150, 18 Ap
- r Vt. Rev. S. §4630-40 rel. to practice of medicine. 15§
'04 ch.133, 9 D
- s Wash. Amdg. '90 p.114 §3 rel. to exam. & license to practise medicine. 1§
'05 ch.41, 27 F
- t Wis. Bd of Medical Examiners not to grant license to persons guilty of immoral or unprofessional conduct; revocation of license by Circuit Court. 2§
'05 ch.422, 19 Je
- u Wy. Amdg. R.S.'99 §2189-206 rel. to practice of medicine. 18§
'05 ch.45, 15 F
- 946 Optometry
 - a N. M. Practice of optometry. 16§
'05 ch.96, 16 Mr
 - b N. D. Amdg. '03 ch.130 §1, 2, 4, 5, 8, 13, 16 rel. to practice of optometry: definition; exam.; exemptions; recording of certificate; revocation. 7§
'05 ch.142, 6 Mr
 - c Or. "An act to regulate practice of optometry & for appointment of bd of examiners . . . " 16§
'05 ch.139, 21 F
- 947 Osteopathy
 - a Mon. Regulating practice of osteopathy. Rep.'01 p.48. 14§
'05 ch.51, 1 Mr
 - b Neb. Amdg. Ann. S.'03 §9466-67 rel. to osteopathy: State Bd of Health to license to practice on diploma of accredited school & exam.; registration fee, \$25 [\$10]; requirements of accredited school; subjects of examination. 3§
'05 ch.95, 17 Mr
 - c N. M. Practice of osteopathy. 9§
'05 ch.68, 14 Mr
 - d S. D. Amdg. P.C. §266 rel. to practice of osteopathy: use of certain titles or letters; penalty. 2§
'05 ch.143, 7 Mr
 - e Tenn. Rev.'99 ch.394 regulating practice of osteopathy. 7§
'05 ch. 255, 11 Ap
 - f Vt. Practice of osteopathy. 13§
'04 ch.134, 7 D
- 948 Dentistry
 - a Cal. Rep. '01 ch.175 §11 rel. to temporary dental license. 1§
'05 ch. 359, 20 Mr

- b Col. Amdg. '97 ch.43 §7 as to penalty for practising dentistry without license; increased penalty for second offense. 1§
'05 ch.96, 10 Ap
 - c Ct. Rev. G.S.'02 ch.277 rel. to practice of dentistry. 17§
'05 ch.134, 15 Je
 - d Ill. Rev. '81 p.77 rel. to practice of dentistry. 13§
'05 p.319, 18 My
 - e Mass. Amdg. R.L. ch.76 §28, 29 as to penalty for employment of unlicensed dental assistant or failure to display license; students' operations. 2§
'05 ch.289, 13 Ap
 - f Mo. Generally amdg. R.S.'99 §8525-36 rel. to practice of dentistry. 12§
'05 p.213, 12 Ap
 - g Neb. Rev. C.S.'03 §4349-62 regulating practice of dentistry. 23§
'05 ch.96, 28 F
 - h Nev. Regulating practice of dentistry. 19§ '05 ch.140, 16 Mr
 - i N. M. Amdg. '93 ch.60 §5,6 rel. to practice of dentistry. 2§
'05 ch.45, 9 Mr
 - j Okl. Rev. S.'03 ch.29 rel. to practice of dentistry. 13§
'05 ch.15 art.1, 11 Mr
 - k Or. Amdg. Ann. C.& S. §3829, 3838-39 rel. to practice of dentistry. 4§
'05 ch.111, 18 F
 - m Tex. Practice of dentistry. 15§ '05 ch.97, 14 Ap
 - n U. Amdg. R.S.'98 §753-54, 757 rel. to practice of dentistry. 7§
'05 ch.84, 9 Mr
 - p Vt. Practice of dentistry. Rep. S. ch.191. 12§ '04 ch.135, 29 N
 - q Wash. Practice of dentistry. '01 ch.152, 18 Mr. *Unconst.* in so far as it requires exam. & license to "own, run or manage" dental office as distinguished from practice of dentistry; not within police power. *State v. Brown* 79 P.635 (1905).
 - r Wy. Regulating practice of dentistry. Rep. R.S.'99 §2207-12. 13§
'05 ch.89, 21 F
- 949 **Pharmacy**
- a Cal. Regulating practice of pharmacy. 20§ '05 ch.406, 20 Mr
 - b Ct. Amdg. G.S.'02 §4728 rel. to expenses of Com'rs of Pharmacy. 1§
'05 ch.65, 19 My
 - c Id. Practice of pharmacy. Rep. R.S.'87 §1282-97. 17§
'05 p.319, 7 Mr
 - d Mich. Rev. '85 ch.134 rel. to practice of pharmacy. 33§
'05 ch.332, 20 Je
 - e N. M. Amdg. C.L.'97 §3718 as to penalty for compounding prescription without license. 2§ '05 ch.80, 15 Mr
 - f N. C. Rev. laws rel. to practice of pharmacy. 30§
'05 ch.108, 4 F
 - g N. D. Amdg. R.C.'99 §286 rel. to required qualifications for registration of pharmacists. 2§ '05 ch.146, 6 Mr
 - h N. D. Amdg. R.C.'99 §7280, 7285 rel. to penalties for violation of pharmacy law. 3§ '05 ch.147, 6 Mr
 - i Or. Amdg. Ann. C.& S. §3806 rel. to practice of pharmacy. 4§
'05 ch.123, 21 F

- j Pa. Amdg. '87 ch.134 §5 as to qualifications of druggists & apothecaries. 1§ '05 ch.37, 24 Mr
- k Tenn. Amdg. '93 ch.39 §9 rel. to practice of pharmacy: indictment by grand jury & enforcement by [State Bd of Pharmacy]. 1§ '05 ch.81, 27 Mr
- m Vt. Amdg. S. §4660, 4662, 4663 rel. to practice of pharmacy. 3§ '04 ch.136, 1 D

952 Sale of drugs

See also 949, Pharmacy; 1137, Samples

- a N. D. Pure drug law. 14§ '05 ch.10, 28 F
- b Or. Amdg. Ann. C.& S. §3812 rel. to sale of poisons & licensing of itinerant vendors of drugs. 4§ '05 ch.123, 21 F
- c Wash. Msdr. to advertise cure for venereal disease. 1§ '05 ch.78, 6 Mr

953 Poisons

See also 926, Opium, cocain etc.; 1402, Paris green

- a Cal. Certain articles to be marked "poison" & sale recorded. Adds Pen. C. §347a. 1§ '05 ch.572, 22 Mr
- b Ct. Amdg. G.S.'02 §4734: penalty for sale of wood alcohol without labeling "poison." 1§ '05 ch.75, 18 My
- c N. Y. Amdg. Pen. C. §401-4, 405a rel. to labeling of poison by apothecary, druggist or pharmacist. 5§ '05 ch.442, 16 My

956 Adulteration. Inspection of articles liable to affect public health

See also 1466, Adulterations and imitations

- a Cal. Amdg. Pen.C. §383 rel. to penalty for sale of adulterated food, drink or drug; definition of terms. 16§ '05 ch.573, 22 Mr
- b Id. Manufacture & sale of dairy, food & oil products. 42§ '05 p.54, 6 Mr
- c Ind. Establishing State Laboratory of Hygiene at Indianapolis for analysis of adulterated food and drugs; \$5000 for equipment; annual report to Gov.; \$10,000 annual appropriation. 6§ '05 ch.38, 25 F
- d Kan. State Univ. & Agricultural College to analyze food products for State Bd of Health; reports to local bds. 2§ '05 ch.482, 9 Mr
- e Me. "An act to regulate sale & analysis of food." Rep. R.S. ch.129 §10-17. 9§ '05 ch.68, 15 Mr
- f Mass. Amdg. R.L. ch.75 §24: penalty for falsely stamping receptacles containing food \$25-\$100 [\$100-\$500]. 1§ '05 ch.236, 30 Mr
- g Mich. Amdg. '93 ch.211 §4-6, 11, 12 rel. to foods & dairy products; inspectors; duty of Food & Dairy Com'r; creameries; cheese factories; commercial feeding stuffs. Adds §13-20. 13§ '05 ch.12, 9 Mr
- h Minn. Food & Dairy Com'rs may enter railway car or warehouse to enforce laws against food adulteration in case of imported articles; duty of carrier. 1§ '05 ch.158, 12 Ap
- i Minn. Qualifications & exam. of dairy & food inspectors. 6§ '05 ch.300, 19 Ap

- j Mo. Amdg. R.S.'99 §2286: striking alum from list of prohibited food adulterations. 1§ '05 p.130, 20 F
- k N. Y. Amdg. agricultural law '93 ch.338 §165: food is "adulterated" if it contains methyl or wood alcohol or any methylated preparation of it. 1§ '05 ch.100, 24 Mr
- m N. C. Amdg. '99 ch.86 §3,6,8: certificate of chemist *prima facie* evidence of food adulteration; publication of analysis; defining "deleterious adulteration." 4§ '05 ch.306, 27 F
- n N. D. Amdg. '03 ch.6 §1-3 rel. to adulteration of foods: preservatives. 3§ '05 ch.11, 24 F
- p Or. Regulating manufacture of food & drinks; Dairy & Food Com'r & deputies; pure food fund. Rep. Ann. C.&S. §3766-93. 60§ '05 ch.209, 22 F
- q S. D. Rev. food adulteration law. Rep. P.C. ch.27, art.8, 10. 44§ '05 ch.114, 24 F
- r Tenn. Amdg. '97 ch.45 §2 rel. to adulteration of food & drink; rep. provision which required law to be enforced without additional appropriation. 2§ '05 ch.508, 17 Ap
- s Vt. "An act providing for inspection of food, drugs & certain other articles in common use." 24§ '04 ch.143, 11 N
- t Vt. Amdg. '04 ch. 143 §18 as to rules of Bd of Health for inspecting food, drugs & certain other articles. 1§ '04 ch.144, 7 D
- u Wash. Amdg. '01 ch.94 §5,6 as to marking and seizure of adulterated food. 2§ '05 ch.51, 2 Mr
- v Wash. Prohibiting use of poison in food adulteration. 2§ '05 ch.141, 9 Mr
- w Wis. Amdg. '03 ch.131 §1 rel. to biennial report & quarterly bulletins of Dairy & Food Com'r. 1§ '05 ch.188, 12 My
- x Wis. Amdg. S.'98 §1410a as to adulteration of foods, drinks, *condiments* or drugs: prosecution; duty of Dairy & Food Com'r. 1§ '05 ch.193, 12 My
- y Wis. Amdg. S.'98 §4600,4601 rel. to adulteration; term "food" to include condiment; drugs. 2§ '05 ch.207, 16 My
- z Wis. Penalty for manufacturing or selling adulterated lemon or vanilla extract. 1§ '05 ch.228, 22 My
- z1 Wis. Food & Dairy Com'r may with consent of Gov. appoint 2d ass't com'r, ass't chemist & 8 inspectors; powers; duties; salaries. 2§ '05 ch.390, 17 Je
- z2 Wy. Adulteration of food, drinks, drugs & oil. 8§ '05 ch.49, 18 F
- 958 Labels
- a Mich. Msdr. to sell food products prepared with harmless preservatives without label; exceptions. 2§ '05 ch.7, 24 F
- 959 Preservatives. Coloring matter
- a Pa. "An act to prohibit selling or offering for sale . . . as fresh meat, poultry, game, fish or shellfish which contains . . . preservative or coloring . . . ; procedure for enforcement." 3§ '05 ch. 46, 28 Mr
- b Pa. Rep. '03 ch.254 §2 which made adulteration of food with boron to greater extent than $\frac{1}{2}\%$ msdr. 1§ '05 ch.171, 20 Ap
- c Wis. Regulating sale of foods containing chemical preservatives. 2§ '05 ch.33, 27 Mr

PUBLIC HEALTH

961

Milk and milk products

- a Cal. State Dairy Bureau to enforce law rel. to testing of dairy products; to furnish testing apparatus & inspect creameries. Adds Pen.C. §381b. 1§ '05 ch.172, 18 Mr
- b Cal. Prohibiting sale of dairy products from unhealthy animal or produced under unsanitary conditions; inspection; adulteration; marking to prevent fraud. Rep. '99 ch.136. 13§ '05 ch.369, 20 Mr
- c Ct. Amdg. G.S.'02 §4811; salary of Dairy Com'r \$1800 [\$1500] & actual expenses not over \$1200 [\$1000]; deputy's salary \$1500 [\$1200] & actual expenses not over \$1200 [\$800]. 3§ '05 ch.259, 19 Jl
- d Me. Increasing power & duties of Com'r of Agric. rel. to adulteration of dairy products. Amds. R.S.'03 ch.60 §9. 2§ '05 ch.39, 7 Mr
- e Mass. Amdg. R.L. ch.89 §5: salary of gen. agent Dairy Bureau \$1400 [\$1200]. 1§ '05 ch.155, 9 Mr
- f Mo. Creating office & prescribing duty of State Dairy Com'r; annual report to Gov. 8§ '05 p.133, 8 Ap
- g N. D. Regulating manufacture & sale of dairy products & substitutes. 18§ '05 ch.95, 16 Mr
- h Wash. Amdg. '99 ch.43 §9 rel. to inspection of dairy products. Adds §33-41. 10§ '05 ch.92, 6 Mr

964

Butter and cheese

- a Me. Sale of imitation butter & cheese. Amds. R.S.'03 ch.129§6, 8. 6§ '05 ch.38, 7 Mr

965

Butter. Imitation and adulteration. Oleomargarin

- a Cal. "An act to prevent deception in sale of renovated butter & to license manufacturers & dealers . . . " Rep. '99 ch.25. 7§ '05 ch.371, 20 Mr
- b Cal. Renovated butter to be plainly marked with letters 1½ in. Adds Pen.C. §383a. 16§ '05 ch.573, 22 Mr
- c U. "An act to prevent deception in sale of renovated butter, . . . license . . . penalty . . . " 6§ '05 ch.91, 9 Mr
- d Wis. Amdg. '99 ch.76 §1 rel. to sale of renovated butter. 1§ '05 ch.34, 27 Mr

967

Milk

- a Me. Amdg. R.S.'03 ch.129 §3: penalty for sale of impure milk increased; presumptions from analysis. 1§. '05 ch.40, 7 Mr
- b N.J. Amdg. '01 ch.'85 §3: cream containing under 16% butter fat or containing water or chemical, "impure." 2§ '05 ch.132, 12 Ap
- c N. Y. Amdg. agricultural law '93 ch.338 §22: prohibiting sale of imitation cream. 1§ '05 ch.602, 24 My
- d N. Y. Amdg. agricultural law '93 ch.338 §32 as to licensing & reports of milk-gathering station; exam. for violations of law. 1§ '05, ch.603, 24 My
- e Wash. Felony to sell adulterated milk. 2§ '05 ch.50, 2 Mr
- f Wis. Amdg. '99 ch.313 §3 fine, or imprisonment in county jail 30-60 days for sale of impure milk or cream. '05 ch.66, 8 Ap

- g Wis. Amdg. S.'98 §4607, 4607a rel. to sale of adulterated milk & cream. 2§ '05 ch. 138, 29 Ap
- h Wis. Amdg. '03 ch.67 §6 rel. to penalty for sale & use of unsanitary milk & use of unsanitary premises & utensils. 1§ '05 ch.154 3 My
- 969 Condensed milk
 - a Wis. Regulating sale of condensed milk & evaporated or condensed cream. 3§ '05 ch.247, 25 My
- 970 Test standard
 - a Me. Milk & cream purchased by creameries for resale to be weighed & tested; state tests. 2§ '05 ch.76, 15 Mr
 - b N. Y. Amdg. agricultural law '93 ch.338 §23: msdr. to credit for greater than actual amount of fat when purchasing milk or cream on basis of fat contained. 1§ '05 ch.601, 24 My
 - c Vt. Amdg. '98 ch.82 §1,2,6 as to tests by creamery for fixing price of milk & cream; penalties. Rep. §4-7. 5§ '04 ch.111, 9 D
 - d Wis. Amdg. '03 ch.43 §3, 4: msdr. to manipulate falsely Babcock test for determining quality of milk or cream. 2§ '05 ch.99, 21 Ap
- 972 Other articles of food and drink
- 976 Canned or preserved food
 - a Wis. Amdg. S.'98 §4601a restricting sale of canned foods containing preservatives. '05 ch.104, 22 Ap
- 978 Cereals. Starches. Bread
- 980 Sanitary regulations of bakeries
 - See also 2053, Bakeries and confectioneries (health and safety of employees)
 - a Ct. Amdg. & supplementing G.S.'02 §2569 rel. to sanitary condition of bake shops: factory inspectors' certificate to be posted in bakery; underground not to be used. 5§ '05 ch.13, 12 Ap
- 986 Honey. Bee products
 - a Wis. Prohibiting sale of adulterated honey. Rep. S.'98 §4607f. 3§ '05 ch.229, 22 My
- 990 Ice
 - See also 1079, Pollution of water; 1506, Trades and occupations
 - a Cal. Msdr. to disregard rules of state Bd of Health rel. to pollution of ice intended for public use. Adds Pen.C. §377c. 2§ '05 ch.136, 18 Mr
- 998 Liquors. Alcohol
 - a Mass. Sale of wood alcohol & penalty for use in drugs, food or drink. 2§ '05 ch.220, 27 Mr
 - b Minn. Wood alcohol to be marked "wood naphtha; poison." 2§ '05 ch.35, 10 Mr
 - c N. Y. Amdg. public health law '93 ch.661 §41, 46: wine, beer or liquor is "adulterated" if it contains methyl or wood alcohol or any methylated form of it. 4§ '05 ch.122, 31 Mr

PUBLIC HEALTH

- d S. D. Msdr. to adulterate intoxicating liquors: Food & Dairy Com'r to make analysis & prosecute. 2§ '05 ch.121, 7 Mr

- 1000 Meats. Fish (fresh)
 - a S. C. Amdg. Crim.C. §305: msdr. to sell flesh found dead from unknown cause. 1§ '05 ch.432, 22 F
 - b S. D. Meat inspection: municipality may appoint inspector; slaughterhouse & market regulations; vendors to be licensed. 11§ '05 ch.135, 7 Mr

- 1002 Meats
 - a Ct. Penalty for sale or shipment of diseased flesh. Rep. G.S.'02 §1346. 2§ '05 ch.131, 15 Je
 - b Del. Msdr. to sell beef treated with deleterious drug or preservative; prosecution. 3§ '05 ch.212, 13 Ap
 - c Minn. Msdr. to offer for sale veal of calf killed under 4 weeks old. 2§ '05 ch.323, 19 Ap
 - d N. Y. Amdg. agricultural law '93 ch. 338 §70e rel. to sale of veal. 1§ '05 ch.171, 8 Ap
 - e N. C. Msdr. to sell meat of diseased animal. 1§ '05 ch.303, 25 F
 - f Okl. Inspection of animals to be slaughtered for food: in rural district farmers may appoint 2 neighbors to act as inspectors where no convenient resident inspector. 2§ '05 ch.3 art. 2, 23 F
 - g Wis. Amdg. '01 ch.243 §1 as to sale of *or having in possession with intent to sell* sausage or chopped meat compound containing artificial coloring; exception. 1§ '05 ch.261, 25 My

- 1006 Spices. Condiments
 - a Mich. Amdg. '69 ch.29 §1, 4-5, 8: inspection of salt manufactured *or mined* in state; fees; principal office of inspector. 4§ '05 ch.323, 20 Je
 - b N. J. Amdg. '01 ch.85 § 1: "food " in act prohibiting adulterations to include condiments. 2§ '05 ch.132, 12 Ap

- 1008 Sugars. Syrups. Confectionery

See also 2053, Bakeries and confectioneries (health and safety of employees)

- 1012 Sugar. Syrup
 - a N. H. Sale of bogus or adulterated maple sugar prohibited. 4§ '05 ch.118, 10 Mr
 - b Pa. Msdr. to use certain chemicals to adulterate fruit syrup. Rep.'01 ch.89. 5§ '05 ch.217, 26 Ap
 - c Wis. Penalty for sale of adulterated maple sugar & syrup. 1§ '05 ch.151, 3 My
 - d Wis. Regulating sale of syrups, molasses & glucose mixtures. 2§ '05 ch.152, 3 My

- 1014 Vinegar. Cider
 - a N. H. Sale of bogus or adulterated cider vinegar prohibited. 4§ '05 ch. 118, 10 Mr

- b **N. J.** Standard purity for vinegar; name of maker & brand to be placed on receptacle when offered for sale. Supplements '01 ch.85 & rep.'02 ch.183 §3, 4. 10§ '05 ch.245, 22 My
- c **Wis.** Amdg. S.'98 §4607i rel. to sale of vinegar. 1§ '05 ch.297, 3 Je

1020

Communicable diseases

See also 1053, 1064, Disposition of the dead; 1065, Nuisances; 1144, Communicable diseases of animals

- a **Cal.** Msdr. to violate order of State Bd of Health rel. to quarantine or disinfection. Adds Pen.C.377a. 2§ '05 ch.144, 18 Mr
- b **Kan.** Amdg. '01 ch. 285 §5 rel. to quarantine of inmates of house in which contagious disease. 2§ '05 ch. 339, 9 Mr
- c **Pa.** Creating emergency fund of \$50,000 to be used by State Bd of Health to prevent spread of epidemics; drafts to be approved by Gov. 1§ '05 ch.219, 27 Ap
- d **Tenn.** Prevention of contagious diseases: quarantine; action of local & state authorities. 16§ '05 ch.519, 17 Ap
- e **U.** Amdg. R.S.'98 §1108 rel. to reports of disease by State Bd of Health. 1§ '05 ch.112, 16 Mr
- f **Wis.** "An act prescribing duties of physicians & others rel. to infectious diseases"; tuberculosis. 10§ '05 ch.192, 12 My
- g **Wis.** Innkeeper need not receive person having contagious disease; proviso; msdr. for such person to ask or receive entertainment at hotel. 2§ '05 ch.198, 12 My
- h **Wis.** Contingent fund for prevention of Asiatic cholera or other dangerous contagious disease. 3§ '05 ch.333, 10 Je

1023

Hospitals for contagious diseases

See also 1042, Tuberculosis

- a **Mass.** Bd of Health to investigate & report Jan. 15, 1906 as to advisability of rev. laws rel. to city & town pesthouses. '05 r.56, 28 Ap
- b **R. I.** City of Providence may issue \$175,000 bonds for contagious disease hospital. 2§ '05 ch.1256, 15 Mr

1024

Maritime quarantine

- a **Cal.** Amdg. Pen.C. §376 rel. to penalty for violation of maritime quarantine laws. 16§ '05 ch.573, 22 Mr
- b **Or.** Rep. Ann.C.& S. §3906-11 rel. to quarantine of vessels. 1§ '05 ch.10, 1 F

1025

Leper homes

- a **Mass.** Provision for establishing Hospital for Leprosy; appropriation not to exceed \$50,000. 2§ '05 ch.474, 26 My

1026

Protective inoculation1027 **Vaccination**

- a **S. C.** City or town may pass vaccination ordinance & on neglect or refusal State Bd of Health may do so; compulsory vaccination of school children. 7§ '05 ch.434, 22 F

PUBLIC HEALTH

- b **W. Va.** Amdg. C. ch.150 §21 rel. to vaccination in case of smallpox epidemic: County Court on petition of 100 voters to enforce compulsory vaccination; [annual provision by County Court for free vaccination]. 1§ '05 ch.58, 23 F

1028 Antitoxin

- a **Col.** Amdg. '93 ch.133 §47: sales of antitoxin to be reported to local health bd within 12 hrs. 3§ '05 ch.127, 10 Ap
b **Ill.** Bd of Health to appoint agent in each county for distribution of antitoxin. Adds §20 to '77 p.208. 1§. '05 p. 387, 13 My

1030 Special diseases

1038 Eye diseases

- a **Mass.** Inflammation of eyes of infant less than 2 weeks old to be reported to Bd of Health; penalty. Amdg. R.L. ch.75 §49, 50. 2§ '05 ch.251, 31 Mr

1040 Hydrophobia

See also 1163, Rabies

- a **Ill.** State Bd of Health to designate inst. for preventive treatment of hydrophobia to receive poor patients at state expense. 4§ '05 p. 38, 12 My
b **Pa.** Needy person to be treated for hydrophobia at public expense. 2§ '05 ch.68, 31 Mr

1042 Tuberculosis

- a **Ga.** Com'n to report to Leg. of 1906 on state sanatorium for consumptives; report to Leg. of 1906. '05 p.1255, 22 Ag
b **Ind.** Com'n to be appointed to investigate need for tuberculosis hospital; report to Leg. of 1907. '05 ch.172, 6 Mr
c **Mass.** State Bd of Health to give public exhibition of methods of treating & preventing tuberculosis. '05 r.75, 12 My
d **Mich.** Establishing State Sanatorium for Tuberculosis; location of site; organization & management; \$20,000. 23§ '05 ch.254, 16 Je
e **Mo.** Establishment of State Sanatorium for treatment of incipient pulmonary tuberculosis; managing bd; com'n to locate site & erect buildings; \$50,000. 25§ '05 p.292, 15 Ap
f **N. H.** Report of death or removal of consumptive; disinfection of premises; penalty. 5§ '05 ch.17, 14 F
g **N. H.** Establishing N. H. State Sanatorium for Consumptives; \$50,000; void if suitable inst. is provided prior to May 1, 1907. 13§ '05 ch.92, 10 Mr
h **R. I.** Creating bd of trustees for State Sanatorium for Consumptives; organization & management; annual report to Leg. 11§ '05 ch.1247, 11 My
i **U.** Attending physician in public hospital to report tuberculosis case to State Bd of Health; care; penalties. 2§ '05 ch. 55, 9 Mr
j **Vt.** Creating tuberculosis com'n to serve 2 yrs: to educate people as to nature & cause of tuberculosis; report to Leg. of 1906; \$4000. 5§ '04 ch.142, 30 N

Disposition of the dead

1042-55

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- k Wis. 2000 copies of report of State Tuberculosis Com'n to be printed. 2§ '05 ch.29, 21 Mr
- m Wis. Establishing Wisconsin State Tuberculosis Sanatorium; \$90,000. 8§ '05 ch.361, 13 Je

1048

Disposition of the dead

1051

Practice of embalming and undertaking

- a Ill. State Bd of Health to regulate practice of embalming. 8§ '05 p.388, 13 My
- b Ind. Amdg. '01 ch.246 §1-2, 5, 7-10 rel. to State Bd of Embalmers; exam.; license; fee. 7§ '05 ch.112, 4 Mr
- c Mass. Practice of embalming. 10§ '05 ch.473, 26 My
- d Minn. State Bd of Health to issue license to practise embalming. 6§ '05 ch.101, 31 Mr
- e N. Y. Amdg. '98 ch.555 §6a, 7, 9 rel. to practice of undertaking & embalming. 3§ '05 ch.572, 19 My
- f N. D. Creating State Bd of Embalmers; to license to practice on exam. annual report to Gov. 9§ '05 ch.111, 28 F
- g Okl. Regulating practice of embalming. 17§ '05 ch.36 art.1, 13 Mr
- h Pa. Amdg. '95 ch.107 §5 rel. to registration of undertakers; exam. & license. 1§ '05 ch.209, 24 Ap
- i W. Va. Amdg. '99 ch.60 §1, 3, 4, 6, 10 rel. to State Bd of Embalmers; renewal & transfer of licenses; prosecution. 6§ '05 ch.44, 24 F
- j Wis. Bd of Health to regulate practice of embalming; exam. & license. 9§ '05 ch. 420, 19 Je

1052

Burial permits

See also 938, Vital statistics

- a Cal. Registration of deaths; burial permits; duty of registrar, coroner, physician, undertaker & sexton; penalty. 19§ '05 ch.119, 18 Mr
- b Cal. City clerk or recorder to perform duties of registrar in recording deaths & issuing burial permits Adds §9 to '83 ch.49. 2§ '05 ch.346, 20 Mr

1054

Cemeteries

- a Me. Amdg. R.S. ch.20 §3 as to fencing of ancient public burying grounds. 1§ '05 ch.101, 21 Mr
- b Minn. Private cemetery contiguous to cemetery corp. may consolidate; procedure. 2§ '05 ch.38, 15 Mr
- c Vt. Amdg. S. §3585: penalty for violating provisions of law rel. to burial grounds by selectman, cemetery com'r or trustee. 1§ '04 ch.87, 30 N

1055 Public cemeteries

- a Ill. Cemetery ass'n to be public corp.; land to be mapped & platted; procedure in condemnation of land. Adds §15-20 to '03 p.90. 6§ '05 p. 84, 16 My
- b Ind. Township to receive gift of public or private cemetery & appoint 3 directors to manage; maintenance. 1§ '05 ch.91, 4 Mr

PUBLIC HEALTH

- c **Neb.** Amdg. C.S. '03 §6051 rel. to election of bd of trustees of State Cemetery at Lincoln: term 6 [3] yrs. 2§ '05 ch.155, 3 Ap
- d **Neb.** Amdg. C.S. '03 §6053 rel. to sale of lots in State Cemetery: ground to be reserved for burial of inmates of state insts. located in Lincoln. 2§ '05 ch.156, 3 Ap
- e **Neb.** Amdg. & supplementing Ann.S. '03 §8744: cities of 2d class & villages, less than 5000, may acquire property by gift or devise for cemetery purposes & levy 1 mill annual tax for improvement & care. 3§ '05 ch.31, 4 Ap
- f **S. D.** Amdg. P.C. §1229 subdiv.64: city may provide for management of mun. burying ground by private cemetery corp. 1§ '05 ch.67, 11 F
- g **Wis.** Amdg. S. '98 §1440: town may levy special annual tax of \$500 for improvement of town cemetery. 1§ '05 ch.122, 29 Ap
- 1056 Cemetery associations**
- a **Ind.** City council may convey mun. cemetery to corp. of 10 lot owners with all powers & duties of cemetery corp. 2§ '05 ch.25, 21 F
- b **Minn.** Amdg. '87 ch.168 §1: cemetery of 5 [20] acres may provide permanent maintenance fund. 1§ '05 ch.197, 15 Ap
- c **Mon.** Formation & powers of cemetery ass'n. 35§ '05 ch.18, 16 F
- d **Neb.** Amdg. Ann.S. '03 §4219 rel. to election of trustees of cemetery ass'n. 2§ '05 ch.38, 4 Ap
- e **N. Y.** Amdg. membership corp. law '95 ch.559 §52: corp. owning cemetery entirely outside city of 1st or 2d class may levy annual tax *not exceeding* \$2 for maintenance. 1§ '05 ch.123, 31 Mr
- f **Okl.** Amdg. S. '93 §1119-22 rel. to cemetery corp.: election of sup't; meetings of bd of directors. 6§ '05 ch.10 art.1, 13 Mr
- 1057 Location. Vacation**
- a **Ind.** Amdg. '89 ch.157 §1 rel. to condemnation of property for cemetery purposes. 1§ '05 ch.69, 3 Mr
- b **Kan.** Cemetery ass'n may condemn land for necessary enlargement of burial ground; procedure. Supplements G.S.'01 ch.23 art.12. 4§ '05 ch.155, 8 Mr
- c **N. J.** Amdg. '85 ch.129 §6: Supreme Court may confirm or reverse adverse decision by local authorities on application to open or extend burial ground where State Health Bd approves sanitary conditions. 2§ '05 ch.64, 28 Mr
- d **N. Y.** Amdg. religious corp. law '95 ch.723 §8: corp. owning country churchyard may remove bodies to plot in other cemetery in same town. 1§ '05 ch.324, 25 Ap
- e **Wash.** Amdg. '99 ch.33 §6 as to recording of cemetery plan with county auditor. 1§ '05 ch.64, 3 Mr
- 1058 Burial lots**
- a **U.** Cemetery plats & transcripts of burial rights to be filed with county recorder; penalty msdr. 4§ '05 ch.130, 17 Mr

- b Wis. Amdg. S.'98 §1439 as to control & conveyance of cemetery lots in city or incorporated village. 1§ '05 ch.335, 10 Je

1059 Cemetery trust funds

- a Ill. Mun. cemetery may receive trusts of \$50 or over for improvements. Adds §5½ to '83 p.55. 1§ '05 p.83, 3 Mr
b Neb. Amdg. C.L.'03 §1983: Cemetery ass'n may accept & administer trust received for care & improvement of cemetery lots. 2§ '05 ch.39, 8 Mr
c Vt. Amdg. S. §3601: towns may deposit burial ground trust money in savings bank or trust co. 1§ '04 ch. 88, 7 D
d Wash. Cemetery ass'n may accept trust fund for care or improvement of grounds. 1§ '05 ch.118, 9 Mr
e Wis. Municipalities may accept donations & legacies for care of cemeteries; account of funds. 3§ '05 ch.179, 8 My

1060 Injury to cemetery. Grave robbing

- a Minn. Amdg. G.S. '94 §6786: msdr. to hitch animal to tree or monument in cemetery. 1§ '05 ch.90, 29 Mr
b Nev. Desecration of cemetery or pasture of animal in same msdr. 2§ '05 ch.40, 2 Mr

1061 Cremation

- a N. Y. Amdg. '92 ch.516 §1: authorizing creation of trust for support of chapel or crematory. 1§ '05 ch.393, 16 My

1062 Dissection

- a N. D. Bodies of persons buried at public expense to be used for promoting anatomic knowledge. 4§ '05 ch.134, 2 Mr

1065 Nuisances (general). Miscellaneous health regulations

- a Cal. Amdg. C.C.P. §731 rel. to definition of "nuisance"; abatement of public nuisance. 1§ '05 ch.128, 18 Mr
b Ga. Amdg. Pen.C. '95 §495: msdr. to fail to bury dead animals or decaying matter 3 hrs after notice in counties having city of 1000 [60,000]; to apply only where dead animal is within 2 m. of owner. 2§ '05 p.85, 23 Ag
c Kan. Amdg. '03 ch.122 §56: city of 1st class may abate nuisance & tax cost to property. 2§ '05 ch.109, 8 Mr
d Kan. Amdg. '03 ch.134 §1 rel. to abatement of nuisance in 2d & 3d class city. 3§ '05 ch.120, 8 Mr
e Nev. Definition & abatement of nuisance in unincorporated town. 3§ '05 ch.105, 17 Mr
f R. I. Slaughterhouse, rendering establishment, garbage plant, brickkiln, stone quarry or plant for blasting or crushing stone within 300 ft from public park or hospital deemed common nuisance. Supplements G.L. ch.92. 2§ '05 ch.1240, 10 My

PUBLIC HEALTH

- g Wis.** Action to enjoin public nuisance may be brought in county where it exists in name of state by Atty. Gen. or on relation of private individual. 1§ '05 ch.145, 3 My

1069

Disposal of carcasses

See also 1150, Communicable diseases of animals

- a R. I.** Rep. '04 ch.1162 rel. to removal of carcass of dead animal by purchaser & reenacting laws rep. by ch.1162. 2§ '05 ch.1234, 28 Ap

Garbage, see 2663(5)

1076

Mosquitos

- a N. J.** Agricultural Experiment Station on request of mun. authorities to investigate mosquito-breeding areas & pay 25% of cost of destruction not exceeding \$500. 6§ '05 ch.80, 31 Mr

1079

Pollution of water

See also 932, Public health; 990, Ice; 2003, Shellfish; 2661, Sewerage

- a Cal.** Msdr. to disregard rules of State Bd of Health rel. to pollution of water used for human or animal consumption. Adds Pen.C. §377b. 2§ '05 ch.135, 18 Mr
- b Ct.** Amdg. G.S. '02 §1328: penalty for bathing in tributary of mun. reservoir. 1§ '05 ch.38, 2 My
- c Me.** Dead or injured fish shall not be cast on shore or released in harbor. 3§ '05 ch.77, 15 Mr
- d Me.** Amdg. R.S. '03 ch.129 §1: corrupting water supply of city, town or *mun. corp.* 1§ '05 ch.97 21 Mr
- e N. C.** Amdg. '03 ch.159 §4, 16: artesian well water to be chemically & bacteriologically examined as other waters. 2§ '05 ch.287, 23 F
- f Or.** Amdg. Ann.C. & S. §2042 rel. to casting sawdust, shavings or lumber waste into certain streams. 1§ '05 ch.35, 7 F
- g Pa.** Plan for proposed water supply works to be approved by Com'r of Health; appeals; maintenance of purity of source; sewerage. 11§ '05 ch.182, 22 Ap
- h Pa.** City with mun. waterworks may enter private lands to patrol source of supply. 1§ '05 ch.223, 2 My
- i Vt.** Amdg. '02 ch.115 §1: State Bd of Health may restrain use of impure water supply by town or water or ice co. Rep. §11. 2§ '04 ch.139, 16 N
- j Wis.** Amdg. S. '98 §4567 as to pollution of waters by sawdust, sawmill offal & planing mill shavings & refuse from manufacture of beet sugar; exceptions. 2§ '05 ch.402, 17 Je

1082

Signs. Advertisements

See also 1137, Samples

- a Vt.** Fine of \$10 for unlawful posting of advertising sign on highway. 1§ '04 ch.84, 6 D

1084

Smoke

- a Mass.** "An act to provide for abatement of smoke in Boston." 5§ '05 ch.418, 18 My

Weeds, *see* 1854, Agriculture; 2744, Roads

1090

Public safety

Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 1368, Street railways; 2044, General workshop regulations

1092

Fires

See also 1322, Railroads; 1765, Fire prevention associations; 1893, Forest fires; 2603, Fire departments

1093

Fire marshals. Inspection

- a **Mass.** Amdg. '04 ch.433 §1: salary of fire inspector of district police \$1500 [\$1000]. 2§ '05 ch.247, 30 Mr
- b **Minn.** Gov. to appoint fire marshal; salary \$2500; investigation of fires; reports; $\frac{1}{4}$ % tax on net premiums of insurance co. to cover expense, exceptions. 10§ '05 ch.331, 19 Ap
- c **R. I.** Bd of fire com'rs of Providence may inspect places where combustibles or explosives are kept. 2§ '05 ch.1255, 15 Mr

1096

Fire alarms

- a **Ct.** Penalty for turning in false alarm of fire. 1§ '05 ch.159, 21 Je
- b **N. Y.** Amdg. C.C.P. §56 subdiv.16: msdr. to wilfully give false alarm of fire or tamper with alarm system. Adds §639a to Pen.C. 2§ '05 ch.279, 22 Ap

1097

Prairie fires

See also 1322, Railroads; 1893, Forest fires

- a **S. D.** Amdg. P.C. §1131-35 rel. to ploughing & maintenance of township fire guards; msdr. for road supervisor to neglect duty as to same. 6§ '05 ch.111, 28 F

1099

Buildings: sanitation and safety

See also 1534, Architects; 2044, General workshop regulations; 2235, Schools

- a **N. J.** Town may appoint building inspector, prescribe building rules, establish fire limits & regulate keeping of explosives. Supplements '95 ch.113. 1§ '05 ch.185, 20 Ap
- b **N. C.** Building regulations for cities & towns: local inspectors; supervision by State Insurance Com'r. Adds §4-35 to '01 ch.677. 32§ '05 ch.506, 6 Mr
- c **Vt.** Supervision of buildings in cities, towns & incorporated villages to prevent fire & insure safety. 22§ '04 ch.77, 8 D

1102

Exits

- a **Mass.** "An act to prohibit obstruction of means of egress from buildings"; penalty. 2§ '05 ch.347, 28 Ap

1103

Fire escapes

- a **Minn.** Amdg. '03 ch.301 rel. to fire escapes in hotels & lodging houses; inspection. 9§ '05 ch.343, 19 Ap
- b **Neb.** Amdg. C.S. '03 §3565 rel. to fire escapes: buildings of 3 [4] stories to be provided with ladders or fire escapes; *theaters* to be

provided with number designated by Com'r of Labor; exceptions.

- 2§ '05 ch.73, 9 Mr
 c N. Y. Amdg. tenement house act '01 ch.334 §30 rel. to fire escapes.
 1§ '05 ch.507, 17 My
 d Vt. Amdg. '02 ch.113 §4: State Bd of Health to control placing
 of fire escapes on public buildings. 3§ '04 ch.137 §2-4, 3 D
 e W. Va. Hotels, workshops & tenement houses of 3 or more stories
 to be furnished with fire escapes; annual inspection. 5§
 '05 ch.76, 24 F

1104

Fire limits

- a N. J. Township or village may establish fire limits & prevent
 erection of frame buildings within them by injunction & \$10 a day
 penalty; by $\frac{2}{3}$ vote of governing bd may allow special exceptions to
 ordinance. 3§ '05 ch.202, 28 Ap

1105

Hight. Street alinement

- a Mass. "An act rel. to hight of buildings in Boston." 4§
 '05 ch.383, 8 My

1106(5)

Plumbing

See also 2664, House connections (sewers)

- a Me. Plumbers in water districts & in certain cities & towns to be
 licensed by local authorities. 5§ '05 ch.71, 15 Mr
 b Wash. Exam. & licensing of plumbers in cities of 10,000. 14§
 '05 ch.66, 4 Mr

1108

Hotels. Lodging houses

- a Wash. Plumbing & ventilation of hotel or restaurant. 2§
 '05 ch.48, 2 Mr

1109

Public halls

- a Ind. Building rules for hall for public entertainment; inspection.
 11§ '05 ch.166, 7 Mr
 b Mass. Inspection & use of certain cinematographs in public halls
 & churches. 3§ '05 ch.176, 14 Mr
 Supplemented. '05 ch.437, 23 My
 c Mass. Amdg. '04 ch.450 §2 rel. to licensing & inspection of theaters
 & public halls. Rep. §7. 3§ '05 ch.342, 26 Ap
 d Minn. Theater seating 600 to have fireproof curtain. 4§
 '05 ch.319, 19 Ap

1110

Tenement houses

- a Cal. Msdr. to construct, lease or use room for lodging or sleeping
 apartment with less than 500 cu. ft of air for each occupant. Adds
 Pen.C. §401a. 16§ '05 ch.573, 22 Mr
 b Ct. Tenement house act. 31§ '05 ch.178, 29 Je
 c N. J. Misc. amdts. to '04 ch.61 rel. to building rules for tenement
 houses. 20§ '05 ch.82, 31 Mr

1112

Floods. Life saving

See also 1180, Water storage; 1197, Levees and dikes

1113

Floods

- a N. J. Creating Passaic river flood district. 1§ '05 ch.218, 29 Ap
 b N. M. "An act to provide for issuance of certificates of indebted-

Explosive. Miscellaneous

1117-30

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ness for...relief of flood sufferers, & building of dikes." 13§
'05 ch.3, 4 F; '05 ch.88, 15 Mr

1117

Explosives

See also 1493, Petroleum products

- a Cal. Sale of explosive must be registered. Adds Pen.C. §3, 5a.
16§ '05 ch.573, 22 Mr
- b Mass. Rev. '04 ch.370 rel. to regulation of sale & use of explosives
& inflammable fluids in cities & towns. 5§ '05 ch.280, 11 Ap
- c Mich. Amdg. '73 ch.139 §1 rel. to transportation of explosives.
1§ '05 ch.71, 25 Ap
- d Nev. On petition of 10% of taxpayers county com'rs to prohibit
storing of explosive within $\frac{1}{4}$ m. of city or town; exceptions. 4§
'05 ch.101, 17 Mr
- e Pa. "To prohibit the sale or use of certain fireworks, firecrackers,
pistols, explosive canes & ammunition..." 3§ '05 ch.33, 24 Mr

1118

Air guns, toy pistols, etc.

See also 262, Weapons

- a Col. Unlawful to sell or give away toy pistol or cannon or explo-
sive cane caps or cartridges. 3§ '05 ch.102, 11 Ap
- b R. I. Sale & use of toy devices for discharge of explosives pro-
hibited. 1§ '05 ch.1216, 15 Mr

1119

Blasting

See also 1437, Weights and measures; 2067, Mines (labor)

- a Or. Prohibiting sale of certain blasting powder & fuse; date of
manufacture to be stamped on powder package. 6§ '05 ch.69, 11 F

1121

Fireworks

- a R. I. Amdg. '05 ch.1216: sale of blank cartridges to minors pro-
hibited. 4§ '05 ch.1244, 10 My
- b Wis. Regulating sale & manufacture of firecrackers. 1§
'05 ch.140, 3 My

1124

Miscellaneous

1128 **Boilers and engineers**

1129 *Inspection*

- a Mass. "An act rel. to inspection of steam boilers": inspection
either by district police or by boiler insurance co. 4§ '05 ch.472, 26 My
- b Mon. Amdg. P.C. §552-53, 560, 563, 566-67 rel. to inspection of
steam boilers. Adds §570. 8§ '05 ch.32, 21 F
- c N. Y. Inspection of locomotive boilers. Adds '90 ch. 565 §49a,
49b. 2§ '05 ch.611, 25 Mr

1130 *Licenses*

- a Mass. Amdg. R.L. ch.102 §81, 82, 86 rel. to licensing of engineers
& firemen; exceptions. 4§ '05 ch.310, 20 Ap
- b Nev. "An act authorizing...county com'rs...to issue & revoke
licenses of stationary engineers & others having charge or control of
...steam-generating apparatus & machinery." 8§ '05 ch.112, 17 My

- c Pa. Exam. & licensing of engineers in charge of steam boilers in cities of 2d & 3d classes. 15§ '05 ch. 75, 4 Ap

1137 Samples

See also 953, Poisons

- a Minn. Msdr. to distribute sample of drug unless delivered to adult. 2§ '05 ch.33, 9 Mr

1139 Steamboats. Vessels

See also 1128, Boilers; 1800, Navigation

- a N. H. "An act rel. to the inspection & licensing of boats & the exam. & licensing of their captains, masters, engineers & pilots." Rep. P.S. ch.119; '99 ch.82. 21§ '05 ch. 50, 9 Mr
- b N. Y. Amdg. navigation law '97 ch.592 §15: excursion barge to have life-preserver for each person carried. 1§ '05 ch.74, 17 Mr
- c N. Y. "An act requiring stanchions, deck beams & frames to be of iron or steel, in all steam vessels & barges hereafter constructed, engaging in excursions from cities having population of 1,000,000." 5§ '05 ch.306, 22 Ap
- d N. Y. Amdg. navigation law '97 ch.592 §34: fees for inspections of licenses of boats to be paid to *Sup't of Public Works* [State Treasurer]. 1§ '05 ch.359, 1 My
- e Wis. Municipality may inspect boats, not propelled by hand, used on inland waters without U. S. jurisdiction. 3§ '05 ch.280, 1 Je

1144

Communicable diseases of animals

- a Ari. Rev. R.S. t.42 rel. to live stock. 93§ '05 ch.51, 16 Mr
- b Cal. Amdg. '99 ch.96 §2: salary of ass't State Veterinarian \$1200; expenses \$300. 1§ '05 ch.355, 20 Mr
- c Cal. Bd of supervisors may appoint county live stock inspector & make ordinances for preservation of health of stock; duties of inspector. Adds §25½, 55½, 152½ to '97 ch.287. 5§ '05 ch.556, 21 Mr
- d Col. Stock inspection com'rs may compel spraying, dipping or quarantine of animal affected with contagious disease; lien for charges. 2§ '05 ch.122, 5 Ap
- e Ga. Amdg. '74 ch.1: on application of ordinary of county or county com'rs Com'r of Agric. to appoint veterinary surgeon to prevent spread of contagious disease of animals. 3§ '05 p.121, 22 Ag
- f Id. Contagious diseases of domestic animals. 39§ '05 p.39, 6 Mr
- g Kan. Rev. G.S. '01 §7421, 7423, 7428-57 rel. to suppression of contagious diseases among domestic animals. 32§ '05 ch.495, 4 Mr
- h Me. Cattle Com'rs to inspect & report on sanitary condition of stables. 1§ '05 ch. 51, 11 Mr
- i Me. Pure blooded cattle kept for breeding purposes to be recorded, examined & tested with tuberculin. 4§ '05 ch.83, 17 Mr
- j Mon. Prevention & cure of scabies among certain domestic animals; inspection; dipping; penalty. 9§ '05 ch.7, 6 F
- k Mon. Amdg. P.C. §3001 rel. to powers & duties of State Veterinary Surgeon. 1§ '05 ch.38, 27 F

- m Nev. Creating office of State Veterinarian to be appointed by Gov. at \$1800 salary; biennial report to Leg. 14§ '05 ch.135, 15 Mr
- n N. M. Salary sec. Cattle Sanitary Bd \$1800; fees for recording brands. 2§ '05 ch.30, 3 Mr
- p N. M. Prevention & cure of scabies among horses, mules, asses & cattle; infection districts; dipping. 9§ '05 ch.31, 3 Mr
- q N. M. Amdg. '97 §182 rel. to appointment & membership of Cattle Sanitary Bd. 1§ '05 ch.49, 10 Mr
- r N. D. Amdg. R.C. '99 §1595-96, 1600 rel. to contagious diseases among animals; veterinary districts; appointment of veterinarians; quarantine. 4§ '05 ch.190, 28 F
- s N. D. Amdg. R.C. '99 §1605 rel. to qualification of district veterinarian: diploma of approved college or *certificate of State Bd of Veterinary Medical Examiners* [5 yrs practice in state] required for appointment. 1§ '05 ch.191, 9 Mr
- t N. D. Counties may maintain public dipping stations for live stock. 7§ '05 ch.96, 11 Mr
- u Okl. Amdg. S. '03 §24, 27 rel. to contagious diseases of animals: quarantine line; Live Stock Sanitary Com'n to appoint 3 inspectors 1 of different political party [1 from each of 3 parties]; 4 temporary inspectors may be appointed. 3§ '05 ch.3 art.1, 2 F
- v Or. Certain live stock may be shipped within state without inspection. 1§ '05 ch.72, 13 F
- w Pa. Veterinarians to report contagious diseases to Live Stock Sanitary Bd: limit of compensation for animal killed by bd; inspection of herds & milk supply. 8§ '05 ch.56, 30 Mr
- x Pa. Amdg. '95 ch.66 §2: State Live Stock Com'n may conduct investigations rel. to cause & prevention of diseases of animals. 2§ '05 ch.73, 1 Ap
- y Pa. Appropriating \$30,000 for investigations by Live Stock Sanitary Bd into cause, prevention & treatment of diseases of animals. 2§ '05 ch.428, 11 My
- z S. D. Suppression of contagious diseases among domestic animals. 17§ '05 ch.133, 24 F
- z1 Tenn. Amdg. '95 ch.168 §2 rel. to prevention of contagious diseases among animals: indictment by grand jury. 1§ '05 ch.152, 4 Ap
- z2 Vt. Amdg. '02 ch.85 rel. to diseases of animals: importation; valuation of animals killed; compensation & reports of Bd of Cattle Com'rs. 6§ '04 ch.146, 10 D
- z3 Wis. Amdg. '01 ch.440 §3 rel. to slaughter & appraisal of diseased animals: animals affected with tuberculosis. 1§ '05 ch.32, 27 Mr
- z4 Wis. Amdg. '01 ch.440 §2, 5, 6 rel. to Live Stock Sanitary Bd: slaughter of diseased animals; indemnity to owners; *biennial* [annual] report. 3§ '05 ch.162, 3 My

- a Cal. Animal with contagious disease to be kept in inclosure apart from sound animals. Adds Pen.C. §402d. 16§ '05 ch.573, 22 Mr

PUBLIC SAFETY

1147

Indemnity

- a **Minn.** Amdg. '03 ch.352 §13 rel. to slaughter of diseased live stock & compensation of owner. 1§ '05 ch.115, 6 Ap
- b **N. Y.** Amdg. agricultural law '93 ch.338 §70a rel. to compensation of owners of animals killed to prevent spread of contagious disease. 1§ '05 ch.167, 8 Ap

1148

Importation

- a **Pa.** Amdg. '97 ch.82 §4 rel. to penalty for violation of laws for inspection of dairy cows & breed cattle before importation. 1§ '05 ch.76, 5 Ap
- b **Wash.** Amdg. '03 ch.125 §1 as to special permit to allow uninspected horses, cattle or swine to be brought into state & subsequent exam. by & fees of State Veterinarian. Adds §1½. 2§ '05 ch.169, 11 Mr
- c **Wis.** Importation of cattle for breeding or dairy purposes; certificate of inspection required; owner & railroad co. shipping uncertified cattle to notify Live Stock Sanitary Com'n; cattle on exhibition. 7§ '05 ch.272, 31 My

1150

Disposal of carcasses

See also 1069, Nuisances

- a **Cal.** Animal dying of contagious diseases to be immediately buried or cremated; penalty for sale as food. 4§ '05 ch.303, 20 Mr
- b **Cal.** Amdg. Pen.C. §374 rel. to destruction of carcass of dead animal by fire. 16§ '05 ch.573, 22 Mr
- c **Nev.** Carcass of animal dying of contagious disease to be buried or burned within 24 hrs; penalty; proviso. 3§ '05 ch.19, 25 F

1151

Special diseases

1155 Glanders. Farcy

- a **Ct.** Amdg. G.S.'02 §1345 rel. to sale of glandered horse. 1§ '05 ch.164, 21 Je
- b **Ct.** Suppression of glanders & farcy. Rep.G.S.'02 §2812-13. 7§ '05 ch.257, 19 Jl
- c **Vt.** Horse having glanders not to be watered or fed at public trough or hitched with other horses; town selectmen may order killing. 2§ '04 ch.153, 9 D

1169

Special animals

1171 Bees

- a **Id.** Prevention of contagious diseases of bees. 13§ '05 p.170, 6 Mr
- b **Kan.** County com'rs on petition of 25 apiarists to appoint inspector; treatment of infected hives; penalty for violation of rules. 16§ '05 ch.71, 9 Mr
- c **N. M.** Protection & disinfection of beehives; destruction for foul brood or other contagious disease. 6§ '05 ch.43, 9 Mr

- d Or. Bee inspectors; treatment of infected hives; penalties. §6
'05 ch.175, 21 F
- e Wash. Inspection of apiary for foul brood; destruction of infected
hive. 7§ '05 ch.111, 9 Mr
- 1177 Sheep
- a Mon. Protection of sheep industry; Bd of Sheep Com'rs; inspection
districts; quarantine; dipping. Rep.'97 p.99; P.C. §3030-46. 29§
'05 ch.45, 28 F
- b N. M. Certain sheep not to be trailed without permission of Sheep
Sanitary Bd; reports of infected sheep & public buck herd; penalties.
6§ '05 ch.42, 8 Mr
- c Tex. "An act to effectually eradicate scab . . ." 4§
'05 ch.114, 15 Ap
- d U. Rev.'03 ch.42 rel. to suppression of infectious diseases among
sheep. 17§ '05 ch.26, 1 Mr
- e Wy. Amdg. R.S.'99 §2077, 2087-2100 rel. to inspection of sheep
& treatment of infected animals. Rep. §2092. 12§ '05 ch.98, 21 F

1180

Control of waters

See also 1113, Floods; 1384, Canals; 1388, Ferries and fords; 1393, Bridges; 1457, Weights and measures; 1800, Navigation

- a Ct. G.S.'02 ch.283 rel. to reservoirs & dams not to apply to farmer
or hunting or fishing club constructing dam, or reservoir not over 1
acre in area for cutting ice or breeding fish. 1§ '05 ch.80, 19 My
- b Ind. Msdr. to lower level of fresh-water lake by ditch or drain or
interfere with dam or levee built to maintain level. 6§
'05 ch.152, 6 Mr
- c Mass. Amdg. R.L.ch.196 §4 as to filing of petition for damages
to land in another state caused by water confined in dam. 1§
'05 ch.259, 5 Ap
- d Mich. Incorp. of water & water power companies in Upper Pen-
insula. 17§ '05 ch.283, 17 Je
- e Mo. Amdg. R.S.'99 §8729-33, 8746, 8748, 8751, 8753 rel. to con-
struction & maintenance of dams for water power. 10§
'05 p.232, 13 Mr
- f N. J. Amdg. '04 (ex. sess.) ch.4 §7, 15 rel. to control of torrential
rivers by flowage & reservoirs; assmts.; bonds; maintenance. Rep.
§13. 3§ '05 ch.101, 5 Ap
- g N. J. Prohibiting drawing off of fresh water by pipe or canal
for use outside state; State Geologist to enforce by injunction. 2§
'05 ch.238, 11 My
- h N. C. Condemnation proceedings to secure water power for
mill; msdr. to obstruct drain, ditch or mill dam. Adds §a-m to
C. ch.43. 13§ '05 ch.534, 6 Mr
- i S. D. Dam to have fish shute & waste gate; regulations for open-
ing; penalty. 6§ '05 ch.96, 8 Mr

- j Wis. State Forestry Com'n to make survey & exam. of streams on forest preserves as to available water power; report. 1§
'05 ch.95, 20 Ap
- k Wis. Geological & Natural History Survey with U.S. Geological Survey to ascertain amount of water power in state; report; \$2500. 1§
'05 ch.475, 20 Je
- m Wis. Franchises granted by Leg. for erection of dams across navigable streams to be forfeited unless exercised within 4 yrs. 2§
'05 ch.521, 20 Je

1183 Irrigation. Water rights in arid states

- a Ari. Rep.'01 ch.65 rel. to storage dam or reservoir in certain counties. 3§
'05 ch.31, 15 Mr
- b Cal. "An act to provide for joint investigation with federal gov't of water resources of state, & best methods of preserving forests . . . " 4§
'05 ch.157, 18 Mr
- c Col. Com'n to be appointed to survey Rio Grande rel. to construction of irrigation reservoirs; report to U. S.; \$1500. 2§
'05 ch.130, 7 Ap
- d Col. After adjudication of water rights notice of subsequent proceedings served on adverse party to be substituted for publication. 1§
'05 ch.112, 10 Ap
- e Id. Amdg. '03 p.223 §11: water rights to be forfeited by nonuse or abandonment for 5 [2] yrs. 1§
'05 p.27, 23 F
- f Id. Amdg. '99 p.408 §19 rel. to procedure for securing land patent for reclamation of arid land; settler thereby entitled to water rights sufficient for irrigation. 1§
'05 p.95, 6 Mr
- g Id. Granting to U. S. right of way over lands for construction of irrigation works; sale of lands under irrigation works; exemption of water users ass'ns. 5§
'05 p.373, 8 Mr
- h Id. Amdg. '99 p.380 §29 rel. to regulation of water rates by county com'rs: appeals to District Courts. 1§
'05 p.31, 9 Mr
- i Id. Amdg. '03 p.223 §9: exception to provision that water allotment may not exceed 1 second-ft for each 50 acres of irrigable land. 1§
'05 p.174, 9 Mr
- j Id. Amdg. '03 p. 223 §1, 2, 19, 37 rel. to appropriation & diversion of waters: permits & filing fees; date for beginning construction of diversion works; adjudication of priority of rights. 4§
'05 p.357, 9 Mr
- k Kan. Amdg. G.S.'01 §3713 rel. to penalty for wilful injury to irrigation or domestic water supply works. Rep. §3728. 3§
'05 ch.277, 22 F
- m Mon. Irrigable state land to be sold as directed by act of Congress; sales to U. S. 3§
'05 ch.53, 28 F
- n Mon. Court in certain cases to appoint com'r to adjust water rights in accord with decree. 8§
'05 ch.64, 2 Mr
- p Mon. Com'n to be appointed to publish by 1906, revised irrigation code; \$500. 2§
'05 ch. 90, 4 Mr

- q Mon. Appropriation of water by individual. Adds C.C. §1903-4.
3§ '05 ch.95, 4 Mr
- r Mon. Reclamation of arid land with U. S. aid. 29§
'05 ch.105, 8 Mr
- s Neb. \$5000 appropriation for investigation of irrigation problems
by agent of U.S. Dep't of Agric. cooperating with Agricultural
Experiment Station, on like appropriation by Congress; State Bd
of Irrigation to direct expenditure. 5§ '05 ch.214, 2 Mr
- t Neb. Amdg. Ann.S.'03 §6764: 2000 copies of biennial report of
State Bd of Irrigation to be printed. 2§ '05 ch.164, 28 Mr
- u Neb. Amdg. Ann.S.'03 §7314: if mill dam is erected & kept in
repair for 10 yrs, title to land right to maintain mill dam to become
absolute. 2§ '05 ch.101, 30 Mr
- v Neb. Granting to U. S. right of way over lands for purposes of
constructing & operating irrigation works. 1§ '05 ch.152, 3 Ap
- w Neb. Regulating fees for services of sec. of State Bd of Irrigation.
1§ '05 ch.167, 3 Ap
- x Neb. State Bd of Irrigation to use seal for papers requiring cer-
tification; certified copy to be received in evidence as original. 1§
'05 ch.168, 3 Ap
- x1 Nev. Appropriation of water to be approved by State Engineer;
appeals; certificates to be recorded; water to remain appurtenant to
land. Adds §23-28 to '03 ch.4. Amds. §18. Rep. §2. 9§
'05 ch.46, 1 Mr
- x2 N. M. "An act to aid in establishing permanent reservoir for
irrigating purposes at or near Elephant Butte & for the improvement
of the Rio Grande . . . " 7§ '05 ch. 57, 13 Mr
- x3 N. M. Msdr. to wilfully injure ditch pipe or reservoir or con-
tamine domestic water supply. 3§ '05 ch.91, 16 Mr
- x4 N. M. Irrigation law. 42§ '05 ch. 102, 16 Mr
- x5 N. M. Appropriation or diversion of water. 3§
'05 ch.104, 16 Mr
- x6 N. D. Irrigation code. 64§ '05 ch. 34, 1 Mr
- x7 Okl. Gen. irrigation law. 55§ '05 ch.21 art.1, 25 F
- x8 Or. Authorizing U. S. to lower level of certain waters for irriga-
tion purposes & ceding to it land uncovered. 2§ '05 ch.5, 20 Ja
- y Or. Penalty for malicious or wanton injury to ditches & other
water ways or taking water therefrom. Rep. Ann.C. & S. §1820.
2§ '05 ch.144, 21 F
- y1 Or. Appropriation of water for irrigation by person or corp. or
by U.S. adjudication of water rights; State Engineer; hydrographic
& topographic surveys. 14§ '05 ch.228, 22 F
- y2 S. D. Gen. irrigation law. 61§ '05 ch.132, 3 Mr
- y3 U. Utah Agricultural College to experiment for 2 yrs with U. S.
Dep't of Agric. in the irrigation & reclamation of alkali & water-
logged land; reports. 6§ '05 ch.13, 21 F
- y4 U. Amdg. '01 ch.59 §2: state reservoirs to supply state & other
land in discretion of Bd of Land Com'rs. 1§ '05 ch.68, 9 Mr

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- y5 U. Rep. '03 ch.71 rel. to Arid Land Reclamation Fund Com'n.
'05 ch.70, 9 Mr
- y6 U. Rev. '03 ch.100 rel. to irrigation. 74§ '05 ch.108, 9 Mr
- y7 Wy. Amdg. '03 ch.69 §7 as to charge for use of water in reservoir. Rep. §9. 2§ '05 ch.14, 8 F
- y8 Wy. Amdg. R.S.'99 §887 rel. to fees of Bd of Control of Irrigation.
1§ '05 ch.26, 15 F
- z Wy. Condemnation of land for storage reservoir. 2§
'05 ch.29, 15 F
- z1 Wy. Com'n to be appointed to codify laws rel. to water rights; report to Leg. of 1907; \$300. 3§ '05 ch.32, 15 F
- z2 Wy. Amdg. R.S.'99 §895 rel. to acquisition & abandonment of water rights. 1§ '05 ch. 39, 15 F
- z3 Wy. Amdg. R.S.'99 §942 as to time for beginning work on certain irrigation canals. 1§ '05 ch.79, 21 F
- z4 Wy. Prohibiting transfer of water rights injurious to 3d person; recording of transfer; injunction to prevent interference. 6§
'05 ch.97, 21 F

1185 Districts. Locate construction

- a Cal. Bd of directors of irrigation district may pledge works paid for by taxation as security for bonds, '93 ch.148, 11 Mr, amdg. '87 ch.34 §17. *Unconst.* Deprives district landowners of property without due process of law & impairs obligation of contract. Merchants Bank of San Diego v. Escondido Irr. Dist. 77 P.937 (1904).
- b Cal. Amdg. '97 ch.189 §78 as to exclusion of certain city & town land from irrigation district. 1§ '05 ch.33, 28 F
- c Col. Organization of irrigation districts. 55§ '05 ch.113, 3 My
- d Id. Procedure by which land within irrigation district too high to water from district irrigation works may be excluded from district. 5§ '05 p.220, 9 Mr
- e Id. Amdg. '03 p.150 §59 rel. to assmt. of state lands within irrigation district; sale of such lands. 3§ '05 p.378, 9 Mr
- f Neb. Amdg. Ann S.'03 §6825, 6831 rel. to irrigation districts: election of bd of directors; bd may acquire by purchase or condemnation property required for canals, power plant, etc.; issue of warrants limited to 90% of annual levy; additional levy for payment of overdue obligations. Adds §6840a. 4§ '05 ch.166, 29 Mr
- g Neb. Amdg. Ann.S.'03 §6822: irrigation district may be formed on majority vote of electors owning 10 [40] acres or leasing 40 [80] acres of land in district. 2§ '05 ch.165, 4 Ap
- h Tex. Organization & gov't of irrigation districts. 92§
'05 ch.122, 15 Ap

1186 Irrigation companies and associations

- a Mon. Certain water users ass'ns to pay \$10 license fee in lieu of incorp. & franchise tax. 2§ '05 ch.66, 2 Mr
- b Mon. Books for recording articles of incorp. & stock certificates of water users ass'ns; fees. 2§ '05 ch.68, 2 Mr

- c Neb. County clerks may accept books, containing printed copies of incorp. articles & forms of subscription to stock of water users ass'ns & use books for recording stock subscriptions; fees. 1§ '05 ch.48, 1 Ap
- d N. M. Amdg. '01 ch.27, '03 ch.114 as to filing & publication of articles of incorp. of water users ass'n. 3§ '05 ch. 15, 22 F
- e N. M. Amdg. C.L.'97 §481 rel. to dissolution of irrigation corp. 1§ '05 ch.92, 16 Mr
- f N. D. State, & various political divisions may become members of water users ass'ns; right of way granted across state & school lands for constructing irrigation works. 2§ '05 ch.193, 7 Mr
- g U. Amdg. R.S.'98 §359-60: irrigation co. need not publish notice of assmt. on capital stock. 2§ '05 ch.27, 1 Mr
- 1187 **Cleaning. Repairing**
- a Cal. Persons using water conduit in common are liable to contribution for expense of maintenance; recoverable by action. Adds §842-43 to C. C. 2§ '05 ch.440, 21 Mr
- 1188 **Waste**
- a Nev. State Bd of Irrigation to investigate with U. S. Dep't of Agric. loss of water in irrigation ditches & remedy; \$2000. 5§ '05 ch.95, 17 Mr
- 1189 **Artesian wells**
- a Mich. Prevention of waste of water from artesian or flowing wells. 3§ '05 ch.107, 10 My
- b Nev. "An act to provide for sinking, boring & development of wells in southern Nevada." 5§ '05 ch.151, 24 Mr
- c N. M. "An act to regulate use of artesian wells & to prevent waste . . . of water . . ." 12§ '05 ch.17, 22 F
- 1192 **Drains. Dikes. Levees**
- See also 1071, Nuisances; 1183, Irrigation; 2661, Sewerage; 2730, Roads
- a Ari. Bds of Supervisors may protect life & property from floods by constructing dikes & levy tax for cost. 4§ '05 ch. 44, 16 Mr
- b Cal. Amdg. P. C. §3446: reclamation district may be formed of land *subject to flood or overflow*. 1§ '05 ch.72, 7 Mr
- c Fla. Creating Bd of Drainage Com'rs to reclaim swamp & overflowed lands; organization of drainage districts. 4§ '05 ch.6, 27 My
- d Fla. Submitting amdt. to Const. 1885 art.16 by adding §32-35: creating Bd of Drainage Com'rs & drainage districts; lien for taxes; assmt. of benefits. Vote Nov. 1906. 4§ '05 p.435, 27 My
- e Ill. Drainage com'rs may acquire & operate dredge boats. 1§ '05 p.195, 16 My
- f Ill. Amdg. '85 p.77 §76 rel. to formation of drainage district. 1§ '05 p.195, 18 My
- g Ind. County to appoint drainage com'r; petitions for drainage; procedure; assmts; bonds; drainage on state lines. 14§ '05 ch.157, 6 Mr

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- h Kan.** On petition of $\frac{1}{2}$ taxpayers county com'rs may form drainage district; control of waters; taxes; bonds. 58§ '05 ch.215, 22 F
- i Mich.** Amdg. '97 ch.254 pt3 §6 rel. to service of citation as to proposed drain, on railroad co. & non-resident. 1§ '05 ch.87, 3 My
- j Mich.** Amdg. '03 ch.56 §1 rel. to securing right of way for drain. 1§ '05 ch.123, 17 My
- k Minn.** City of 50,000 may divert course of stream & control flow; assmt. of damages. 23§ '05 ch.18, 28 F
- m Minn.** Letting contract for drainage ditches under '01 ch.258. 3§ '05 ch.84, 30 Mr
- n Minn.** County having constructed drainage ditch under '01 ch.258 may extend it to new outlet & levy assmt. to cover cost. 1§ '05 ch.145, 11 Ap
- p Minn.** On petition of 6 landowners county may construct public drainage ditch & assess benefit; bonds; building contracts; surveys. 63§ '05 ch.230, 18 Ap
- q Minn.** Amdg. '01 ch.258 §1: county com'rs in case of necessity may run drainage ditch through city or village. 1§ '05 ch.311, 19 Ap
- r Mo.** Amdg. R.S. '99 §8278-96, 8298-8301 rel. to drainage of swamp & overflowed land. Adds §8301a-e. 28§ '05 p.180, 7 Ap
- s Mo.** Amdg. R.S. '99 §8251-53, 8259-63 rel. to drainage districts. Adds 8253a-d, 8259a-b, 8263a-r. 31§ '05 p.190, 8 Ap
- t Mon.** "An act to provide for construction & maintenance of drains & collection of taxes therefor." 97§ '05 ch.106, 7 Mr
- u Neb.** Rev. '03 ch.116 rel. to organization & gov't of drainage districts. 38§ '05 ch.161, 29 Mr
- v Neb.** Amdg. Ann.S'03 §5543 rel. to construction of open ditch or drain by landowner. 2§ '05 ch.160, 3 Ap
- w N. M.** Protection of property from waters of Rio Grande; river com'rs; taxes; citizen labor. Rep. C. L. '97 §807-17. 16§ '05 ch.18, 22 F
- Amended. '05 ch.35, 8 Mr
- x N. M.** County fund for construction of works for protection against flood; taxation of land benefited. 14§ '05 ch.19, 22 F
- Amended. '05 ch.44, 9 Mr
- y N. C.** Formation of drainage districts; penalty for obstruction of streams; assmts. 9§ '05 ch.541, 6 Mr
- y1 N. D.** Bds of drain com'rs of 2 or more counties may construct drains from joint ditches. Adds R.C.'99 §1461a. 1§ '05 ch.97, 1 Mr
- y2 Okl.** "An act to enable owners of lands to drain & reclaim them when same can not be done without affecting lands of others . . ." 23§ '05 ch.16 art.2, 10 Mr
- y3 Okl.** Approval of construction of ditches or drains by judge of Probate Court, before becoming county property: town trustees to have charge. Adds S. '93, ch.71 §9. 2§ '05 ch.16 art. 1, 13 Mr
- y4 Or.** Amdg. Ann.C.&S. §4360-64 rel. to com'n to arrange drainage system where same may injure adjacent land. 5§ '05 ch.149, 21 F

- y5 S. D. Submitting amdt. to Const. 1889 art.21 by adding §6: Leg. may provide for drainage of agricultural lands, organize drainage districts & authorize special assmts. to maintain. Vote Nov. 1906. 1§
'05 ch.70
- y6 S. D. Establishment & maintenance of county drainage works. 29§ '05 ch.98, 7 Mr
- y7 Tex. Creation & maintenance of drainage districts. 19§
'05 ch.110, 15 Ap
- y8 U. Rev. R.S.'98 §760-79 rel. to drainage districts. 20§
'05 ch.124, 17 Mr
- z Wash. Amdg. '95 ch.115 §3, 5, 9, 24 rel. to establishment, extension & cost of maintenance of drainage district. 4§ '05 ch.175, 13 Mr
- z1 Wis. Amdg. S.'98 §1362 as to time for filing map of proposed town drain. 1§ '05 ch.47, 29 Mr
- z2 Wis. Consolidating drainage district laws. Rep. S.'98 §1379 subdiv. 11-28, 30, '01 ch.43, 50, '03 ch.70, 116. 45§ '05 ch.419, 17 Je
- 1193 Corporations
- a Del. Amdg. '01 ch.167 §71 rel. to incorp. of co. for draining & reclaiming lowlands. 1§
'05 ch.154, 20 Mr
- 1194 Assessment
- a Cal. Amdg. P.C. §3463: assmt. list of reclamation district prima facie evidence of contents. 1§ '05 ch.61, 6 Mr
- b Cal. Amdg. P.C. §3461: mistake in owner's name not to invalidate assmt. in reclamation district. 1§ '05 ch.63, 6 Mr
- c Cal. Amdg. P.C. §3457 as to collection of warrant issued by trustees of reclamation district. 1§ '05 ch.71, 7 Mr
- d Fla. Enlarging powers of county com'rs to make assmts. for drains. 13§ '05 ch.7, 10 Je
- e Id. Amdg. '03 p.256 §29: drainage assmt. to be collected by county assessor [treasurer]. 1§ '05 p.227, 9 Mr
- f Ill. Drainage com'rs may levy special assmt. for pumping plant. 2§ '05 p.197, 13 My
- g N. Y. Amdg. R. S. pt 3 ch.8 t.16 §29 as to new assmt. to repair or enlarge drainage works. 1§ '05 ch.325, 25 Ap
- h Wash. Amdg. '01 ch.66 §25 rel. to assmt. of state, school & granted land for drainage purposes. 3§ '05 ch.127, 9 Mr
- 1195 State ditches
- a Minn. Rev. '01, ch.90 rel. to drainage of swamp lands. '05 ch.106, 5 Ap
- b Minn. State Drainage Com'n to employ engineer to draft system of drainage for swamp lands; report to com'n by Nov.1906.
'05 ch.159, 13 Ap
- 1196 Cleaning. Repair. Obstruction
- a Ill. Collector to add \$10 drainage tax for each 40 acres where owner has not cleared stream. R.S.'99 ch.42 §200-1. *Unconst.* Confuses judicial & administrative functions; deprives of property

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without due process of law. *Cleveland C. C. & St L. R. Co. v. People*
72 N. E. 725 (1904).

- b **Neb.** Amdg. C.S.'03 §6204 rel. to obstructing county drain or ditch: penalty \$10-\$50 [\$25]. 2§ '05 ch.159, 9 Mr

1197 **Levees. Dikes**

See also 1113, Floods

- a **Cal.** "An act to provide for the formation of levee districts . . . & to provide for the erection of works for the purpose of protecting the lands within such districts from overflow . . ." 16§
'05 ch.310, 20 Mr
- b **Cal.** Creating Sacramento drainage district; management; assmts. 30§
'05 ch.368, 20 Mr
- c **Ind.** Granting right of eminent domain for levee building: penalty for riding or driving on levee. 3§
'05 ch.111, 4 Mr
- d **Ind.** Amdg. '89 ch.67 §1, 12-13, 23, 24, 29 rel. to incorp. of levee or dike ass'n; county bonds; assmts. 6§
'05 ch.168, 9 Mr
- e **Kan.** Amdg. '93 ch.104 §2, 5 rel. to construction of levees. 3§
'05 ch.216, 7 Mr
- f **Or.** Amdg. Ann.C. & S. §5108 rel. to appropriation of land by city or town for dike to protect against freshet. 2§
'05 ch.115, 3 F
- g **Or.** Amdg. Ann.C. & S. §4685, 4689-91 rel. to petition for formation of diking district; apportionment & payment of assmts.; sup't of dikes. Rep. §4699. 5§
'05 ch.199, 21 F
- h **Wash.** Amdg. '95 ch.117 §3, 27 rel. to formation of diking districts. 2§
'05 ch.87, 6 Mr

1199 **Hot springs. Mineral waters**

- a **W. Va.** Amdg. '73 ch.97: vesting management of mineral springs & state property at Capon Springs, in Capon Springs Com'n.
'05 ch.65, 15 F

1200 **Transportation and communication**

See also 1800, Navigation

- a **Neb.** Submitting amdt. to Const. 1875 by adding art. providing for State Ry. Com'n to consist of 3 member selected in Nov. 1906 for 6 yr term; to regulate rates, service & control of common carriers; provision in case no specific law is passed by Leg. Vote Nov. 1906. 3§
'05 ch.233, 4 Ap
- b **Wis.** Regulating business of railroads & common carriers. Rep. S.'98 §128, 1793, 1803. 38§
'05 ch.362, 13 Je

1204 **Rates. Discrimination**1205 **Discriminations**

- a **Minn.** Msdr. for carrier to discriminate in freight rates by giving rebate or pass or for shipper to accept same. 1§ '05 ch.177, 14 Ap
- b **Neb.** Prohibiting discrimination by railroad co. in shipping merchandise, or in operating grain elevators; apportionment of cars. Rep. Ann.S.'05 §10007, 10010. 7§
'05 ch.105, 4 Ap

1212

Rates (general)

- a **Kan.** Maximum rates for transportation of crude oil. 3§
'05 ch.353, 17 F
- b **Kan.** Bd of Railroad Com'rs to make comparative investigation of railroad rates in Kan., Mo., Ill., Ia., Neb. & Tex.; report to Gov. within 6 mo. '05 ch.540, 3 Mr
- c **Minn.** "An act giving to Railroad & Warehouse Com'n jurisdiction over freight rates & classifications, & power to inspect books of common carriers . . ." 9§
'05 ch.176, 14 Ap
- d **Mo.** Rates for transportation of undressed stone, crushed rock & bricks. Adds R.S.'99 §1195a. 1§
'05 p.104, 14 Ap
- e **Mo.** Amdg. R.S.'99 §1194 rel. to regulation of railroad freight charges; penalty. Adds §1194 a-b. 3§
'05 p.102, 15 Ap

1227

Passenger rates

See also 1365, Street railways

- a **Ct.** Amdg. G.S.'02 §1428: penalty for refusal to pay fare to common carrier on demand. 1§
'05 ch.72, 18 My
- b **Mon.** Railroad passenger rates; mileage books; penalty. 5§
'05 ch.87, 4 Mr
- c **Wash.** Maximum railroad passenger rate 3c a mile for adults; 1½c for children under 12; exceptions. 4§
'05 ch.113, 9 Mr

1229 Counterfeiting. Stealing

- a **Or.** Msdr. to forge or counterfeit railroad ticket or pass or restore & use same after cancelation. 2§
'05 ch.20, 3 F
- b **Or.** Amdg. Ann. C.& S. §1798: larceny to steal ry. or steamboat ticket or pass. 1§
'05 ch.21, 3 F

1232 Mileage books

- a **Minn.** Mileage tickets good till used & transferable by delivery; co. liable only if legally used. 2§
'05 ch.221, 17 Ap
- b **Vt.** Issue of mileage books by railroads. Rep. S. §3898-3900. 5§
'04 ch.95, 9 D

1233 Redemption

- a **Or.** Sale & redemption of railroad tickets; penalties. 9§
'05 ch.231, 22 F

1235 Ticket scalping

- a **Tenn.** Msdr. to deal in nontransferable signature tickets issued by common carriers; latter to redeem unused or partly used tickets; proviso. 3§
'05 ch.410, 14 Ap
- b **Tex.** "An act prescribing how & by whom tickets on railroads shall be sold & providing for redemption of tickets . . . unused. . ." '93 ch.73 2 My. *Unconst.* §3 declared void in *Jannin v. State* 51 S.W. 1126; act in furtherance of single scheme & therefore wholly void. *Texas & P. Ry. Co v. Mahaffey*, 84 S.W. 646 (1905).
- c **Wash.** Regulating sale & redemption of railroad ticket. 8§
'05 ch.180, 14 Mr

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Passes. Franks*See also* 1365, Street railways

- a N. C. Amdg. '99 ch.164 §22: transportation corp. may exchange passes for advertising space in newspaper. 1§ '05 ch.312, 27 F
- b S. C. Amdg. Crim. C. §204-5: Com'r of Agric. Commerce & Immigration may accept railroad pass. 2§ '05 ch.445, 21 F
- c Tex. Submitting amdt. to Const. 1876 art.3 §24: prohibiting acceptance of privileges from telegraph or telephone co. or common carrier. Vote Nov. 1906. 1§ '05 p.412, 15 Ap
- d W. Va. Amdg. C. ch.11 §7 as to provision prohibiting judge of Supreme Court of Appeals or of Circuit Courts to accept free transportation for himself or family. 1§ '05 ch.85, 22 F
- e Wis. Amdg. '99 ch.357 prohibiting use of free pass by public officer: free pass defined. Adds S.'98 §4552a. 1§ '05 ch.486, 20 Je

1238

Race distinction*See also* 122, Civil rights

- a Fla. Separate accommodations to be provided for white & colored passengers on street cars. 9§ '05 ch.49, 19 My
- b S. C. Msdr. for conductor of electric ry. to refuse to separate races. 3§ '05 ch.477, 7 Mr
- c Tenn. Separate provision for white & colored races on street cars. 5§ '05 ch.150, 4 Ap

1240

Miscellaneous. Common carriers

- a Mo. Regulating demurrage & storage charges & to prevent delay in furnishing cars & in transportation & delivery of certain freight by rail. 9§ '05 p.109, 12 Ap
- b N. C. "An act to regulate manner in which common carriers. . . shall adjust freight charges & claims for loss or damage to freight." 5§ '05 ch.330, 28 F
- c Okl. "An act to regulate demurrage & storage charges, to prevent delays in furnishing cars & in transportation & delivery by railroads . . ." 10§ '05 ch.10 art.2, 15 Mr

1242

Appropriation by common carrier

- a Kan. Payment by railroad for coal or merchandise confiscated by it. 2§ '05 ch.343, 4 Mr

1244

Baggage

- a Cal. Amdg. C. C. §2180, 2195 rel. to duty & liability of common carrier of passengers in transportation of baggage. 2§ '05 ch.455, 21 Mr

1247

Loss or damage

- a Fla. Railroad co. failing to pay claim for loss or damage within 90 days, to pay 25 % interest on judgment in excess of amount offered by it in settlement. 2§ '05 ch.53, 1 Je
- b Ga. Initial or connecting carrier to trace cause of damage to freight & report to shipper or be liable for loss. C.'95 §2317-18. *Unconst*

Common carriers

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as to interstate commerce, violating commerce clause of Federal Const. Central of Ga. Ry. v. Murphey, 196 U. S. 194 (1905).

- c **Ind.** Safe delivery of property to carrier prima facie evidence of negligence in action for damage; contract limiting liability affirmative defense. 3§ '05 ch.47, 27 F
- d **Mo.** Amdg. R.S.'99 §5222: suit for damages to property transported by connecting carriers may be brought against all in any county. 1§ '05 p.53, 31 Mr
- e **Tex.** Amdg. & supplementing '99 ch.125 rel. to action for injury to passenger or freight transported by 2 or more common carriers; venue; service on foreign ry. corp. 3§ '05 ch.25, 13 Mr

1249

Prompt shipment

See also 1307, Supply of cars

- a **Ga.** Railroad Com'n to regulate forwarding & delivery of freight by railroads; furnishing of cars to shippers. 5§ '05 p.120, 23 Ag
- b **Mass.** Carrier subjected to trustee process not liable in absence of fraud for failure to ship goods attached. 1§ '05 ch.324, 21 Ap
- c **Mo.** Railroad to note time of receipt of freight-on-way bill; failure prima facie evidence of negligence. 2§ '05 p.102, 8 Ap
- d **N. C.** Amdg. '03 ch.590 §3: defining "reasonable time" for transmission of freight by common carrier; forfeitures for delay. 1§ '05 ch.545, 6 Mr

1253

Special commodities1260 **Live stock**

See also 896, Cruelty to animals

- a **Cal.** Msdr. to transport cattle, sheep or swine in carload lots longer than 36 hrs without unloading for 10 hrs rest; lien for charges. Adds Pen. C. §369b. 1§ '05 ch.512, 21 Mr
- b **Fla.** Railroad Com'n to regulate transportation of live stock. 7§ '05 ch.51, 5 Je
- c **Kan.** Railroad to furnish free round trip transportation to 1 stockman with carload of cattle & 1 additional for every 4 cars not to exceed 4 on train. 3§ '05 ch.354, 7 Mr
- d **Neb.** "An act defining the duties of . . . railroads . . . in . . . transportation of live stock; accommodations for shippers . . . penalty." 4§ '05 ch.106, 9 Mr
- e **Neb.** "An act to regulate carrying of live stock . . . minimum rate of speed . . . damages . . ." 2§ '05 ch.107, 30 Mr
- f **Neb.** Stock yard co. or persons to unload yard live stock within 1½ hrs after arrival at yard. 2§ '05 ch.5, 4 Ap
- g **Vt.** Railroads to build sheds supplied with running water for live stock; com'rs to select location; appeals; penalty. 4§ '04 ch.96, 9 D

1264 **Wood. Lumber**

- a **Wash.** Railroad carrying lumber to deduct 1000 lb a car for weight of appliances for safe carriage; penalty. 4§ '05 ch.124, 9 Mr

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- b Wash.** Lumber car to be weighed separately at junction or common point in state. Rep. '01 ch.144. 6§ '05 ch.126, 9 Mr

Roads. Streets

See 2700

1267 Railways. Car companies. Express

Chiefly steam roads but many of the general laws and special provisions include all kinds of railways. *See also* 500, Corporations; 841, 845, Taxation; 1402, Bridges; 2040, Labor

- a Cal.** Motive power of railroad may be changed; mun. consent; forfeiture of franchise for nonuser; lease & joint operation; rates. Adds C.C. §465a, 473a; amds. §468, 481, 489. §5 '05 ch.423, 21 Mr
- b Ct.** Power of railroad co. to hold & take land. Rep. G.S.'02 §3658-69, 3672-79. 3§ '05 ch.126, 7 Je
- c Ga.** Amdg. '79 p.125 §2: salary of sec. of Railroad Com'n \$1800 [\$1200]. 2§ '05 p.95, 21 Ag
- d Ind.** Creating State Railroad Com'n to supervise freight & passenger rates & service; appeals. 25§ '05 ch.53, 28 F
- e Kan.** Amdg. '01 ch.286 §2, 4, 18: gen. railroad law. Rep. §8. 18§ '05 ch.340, 7 Mr
- f Mass.** Amdg. R.L. ch.9 §7: 4500 [4250] copies of report of Railroad Com'r's to be printed annually. 2§ '05 ch.138, 7 Mr
- g Mich.** Street ry. or railroad co. may operate boats to complete route. 2§ '05 ch.156, 1 Je
- h Mich.** In suits by or against railroad co. books subject to inspection by Atty. Gen. 6§ '05 ch.160, 1 Je
- i Minn.** Salary of Railroad & Warehouse Com'r \$3600 [\$3000]. 2§ '05 ch.240, 18 Ap
- j Minn.** "An act authorizing State Railroad & Warehouse Com'n to . . . prosecute proceedings before U. S. Interstate Commerce Com'n." 2§ '05 ch.279, 18 Ap
- k Mo.** Amdg. R.S.'99 §1208: salary of sec. of State Railroad Com'n \$2000 [1500]. 1§ '05 p.114, 27 F
- m Neb.** Amdg. C.L.'03 §2009, 2015, 2031-36, 2041, 2047 rel. to railroads: electric roads; eminent domain; appeal. 11§ '05 ch.40, 25 Mr
- n N. Y.** Amdg. railroad law '90 ch.565 §2, 7 rel. to incorp. of railroad co.; acquisition of property. 3§ '05 ch.727, 3 Je
- p N. Y.** Amdg. railroad law '90 ch.565 §150, 156, 169, 170: Bd of Railroad Com'r's to consist of 5 [3] members; traveling expenses \$900 [\$500]. 4§ '05 ch.728, 3 Je
- q N. C.** Amdg. C. §1933, '01 ch.2 §97: railroad applying for incorp. by act of Gen. Assembly to deposit *double amount of organization fee* [\$50] with Sec. of State. Rep. §2004. 4§ '05 ch.168, 13 F
- r N. C.** Amdg. C. §1932: 6 [25] persons may form corp. under gen. railroad law. 1§ '05 ch.187, 15 F
- s Pa.** Railroad may deal in water co. stock to secure adequate water supply. 1§ '05 ch.184, 22 Ap

- 1268 Corporate organization and power

1271 Conditional sale of equipment

- 1272 Consolidation, sale, lease

- 1274 Encroachment. Prescriptive rights

- 1278 Officers

- 1270 Stocks, bonds, mortgages

- 1280 Public ownership and aid

- Public aid. Exemptions. Subscription to stock

- a Fla. "An act to encourage & secure construction of . . . ry.
from mainland . . .to Key West . . ." 7§ '05 ch.224, 3 My

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- b **Id.** Submitting amdt. to Const. 1889 art.8 §4: local divisions may vote donations to railroads on submission to voters at special election; provisos. Vote Nov. 1906. 4§ '05 p.435, 10 Mr

1283 Exemption from taxation

- a **Id.** Submitting amdt. to Const. 1889 art.7 §8: railroads hereafter constructed may be exempt from taxation for 10 yrs from beginning of construction. Vote Nov. 1906. 3§ '05 p.440, 3 Mr

1286 Supervision and regulation

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1288 Construction

1289 Branch roads. Side tracks

- a **Cal.** Mun. corp. may grant right to construct private spur track to railroad. 1§ '05 ch.548, 21 Mr
- b **Kan.** "An act to provide for construction of side tracks . . . to grain elevators or flouring mills, warehouses & manufactories . . . or in lieu thereof for construction & maintenance of such buildings on right of way of such railroad . . ." 8§ '05 ch.350, 25 F
- c **Kan.** Bd of Railroad Com'rs to make necessary regulations for construction & maintenance of side tracks to mills & elevators. 5§ '05 ch.351, 9 Mr
- d **Me.** Amdg. R.S.'03 ch.51 §30 rel. to railroad branch tracks. 1§ '05 ch.127, 21 Mr
- e **S. C.** "An act to require railroad co. to construct, maintain & operate industrial side tracks." 5§ '05 ch.480, 4 Mr

1294 Terminal facilities

- a **Wis.** Amdg. S.'98 §1802: railroads to furnish side tracks connections to shippers. 1§ '05 ch.386, 17 Je

1295 Location. Right of way

- a **Ct.** Change of location of canal or water course by railroad. 4§ '05 ch.104, 25 My
- b **Nev.** Amdg. '65 ch.146 §20: railroad incorporated under law of any state, territory or U. S. to have right of way over state land; articles to be filed in counties passed through. 1§ '05 ch.144, 23 Mr
- c **Wy.** Amdg. R.S.'99 §3207 rel. to railroad right of way over state land; joint use of tracks in certain canyons. 1§ '05 ch.70, 21 F

1297 Eminent domain. Damages

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- a **W. Va.** Amdg. C. ch.52 § 14: railroad co. who may enter on lands to obtain construction materials, may take water & condemn land for reservoirs etc.; proceedings; provisos. 1§ '05 ch.41, 22 F

1298 Franchise

- a **N. M.** Reenacting C.L.'97 §3910: contracts of railroads abridging franchise void as against public policy. 1§ '05 ch.113, 16 Mr

1301 **Traffic regulations**

- a Mo. Railroad & warehouse com'rs to regulate train schedule at certain terminals & require erection of suitable stations at such points. 2§ '05 p.108, 10 Ap

1303 **Railroad stations**

1304 **Name**

- a Minn. Ry., telegraph & express co. station to bear name of place of location unless confusing; penalty. 3§ '05 ch.252, 18 Ap

1305 **Required stations. Agents**

- a Mon. Ry. must maintain station at platted town site of 100 inhabitants. 2§ '05 ch.26, 21 F
b Okl. Railroad running within 3 m. of county seat to build line through county seat & establish depot. 3§ '05 ch.10 art.4, 15 Mr

1307 **Supply of cars**

See also 1249, Prompt shipment; 1253, Special commodities

- a Kan. Amdg. G.S.'01 §5982 rel. to furnishing of railroad cars to shippers & transportation & delivery of freight. 11§ '05 ch.345, 4 Mr

1308 **Train service**

1309 **Connections**

- a Mo. Amdg. R.S.'99 §1210: railroads [competing co.] must make reasonable connections. 1§ '05 p.101, 14 Ap

1310 **Required trains. Stops**

- a Mo. Railroad & warehouse com'n may order railroad to stop adequate number of trains at any station; penalty. Adds R.S.'99 §1219a-f. 6§ '05 p.104, 6 Ap
b N. D. Amdg. R.C.'99 §2967 requiring ry. corp. to run train each week day over each line: certain rys. & branch lines excepted. 1§ '05 ch.152, 9 Mr

1311 **Train bulletins**

- a Minn. Railroad to post 20 minutes before train time, schedule time & lateness over 10 minutes; proviso. 3§ '05 ch.287, 19 Ap

1312 **Transfer facilities. Connections**

- a Me. Amdg. R.S.'03 ch.52 §10: railroads intersecting *each other* [at grade] connecting roads. 1§ '05 ch.63, 15 Mr
b Mo. Amdg. R.S.'99 §1118: Railroad Com'rs may compel co. to maintain agent at intersection with other road to receive & deliver exchange freight. 1§ '05 p.113, 17 Ap
c Or. "An act for interchange & hauling of local freight cars by & between steam ry. to & from points within state." 3§ '05 ch.225, 22 F

1313 **Public safety, comfort and order**

1314 **Safety regulations**

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- a Ill. Appointment of inspector of safety appliances on railroads. § '05 p.349, 12 My

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- b Ill. Railroad trains to be equipped with certain safety appliances; liability for injury to employee through noncompliance. 10§

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- c Tex. Ry. to maintain switch lights on main line switches & derailling switches on sidings; exceptions. 3§

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1315 Accidents. Liabilities

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- a Minn. Railroad to file with Railroad & Warehouse Com'n detailed report of accident where person is killed or injured; Com'n to report to Leg. summary of wrecks & suggestions for laws to prevent recurrence. 3§

'05 ch.122, 7 Ap

- b S. C. Amdg. C.C. §2137 rel. to notice to Railroad Com'r's of accident & transportation of com'r's to place where it occurred. 1§

'05 ch.419, 22 F

1317 Crossings

- a Mich. Amdg. '73 ch.198 §7 rel. to crossing of railroad tracks by railroad. 1§

'05 ch.128, 17 My

- b Mo. Amdg. R.S.'99 §9554 rel. to construction & maintenance of railroad crossing. 1§

'05 p.106, 13 Mr

- c N. D. Amdg. R.C.'99 §2947 ¶6: construction of ry. crossing, intersection or connection with new railroad may be continued, pending condemnation proceedings in case corp. building new railroad gives bonds approved by district judge. 2§

'05 ch.150, 7 Mr

1318 Street railways

- a Vt. Electric car must come to full stop at grade railroad crossing & display signal; \$25 penalty. 2§

'04 ch.97, 7 D

1319 Highway crossing

- a Cal. Amdg. C.C.P. §1240 as to railroad grade crossings. 1§

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- b Mass. Amdg. R.L. ch.111 §152-53 rel. to abolition of grade crossings. 4§

'05 ch.408, 17 My

- c Minn. Railroad Com'n to investigate grade crossing on complaint of mun. council & order installation of necessary safety devices; appeals. 4§

'05 ch.280, 18 Ap

- d Pa. "An act authorizing vacation of public highways at grade crossings . . . and opening of undergrade or overgrade crossings in lieu thereof, by the Court of Quarter Sessions." 2§

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- e Pa. Railroad may change grade or location of bridge to abolish grade crossing; compensation & security to bridge corp. 4§

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- f Vt. Railroads failing to clear their land of trees & bushes 80 rods each side of grade crossing after 60 days notice liable for resulting damages. 2§

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- a Cal. Msdr. for railroad employee to be intoxicated on duty; if death results, felony. Adds Pen.C. §366f 16§

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- 1321 Fencing. Cattle guards. Injury to stock**
- a** Col. Railroad employees to care for animal injured while on tracks & notify Stock Inspection Com'rs. 2§ '05 ch.121, 6 Ap
 - b** Mon. Amdg. C.C. §950, 953 rel. to liability of ry. co. for killing or injuring live stock. 3§ '05 ch.29, 21 F
- 1326 Whistles. Locomotive signals**
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- 1328 Public comfort regulations**
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- a** Neb. Railroad to provide waiting room & water-closet at passenger depot for use of passenger & stock shipper; passenger train to be stopped at such station. 3§ '05 ch.108, 4 Ap
- 1329 Cars**
- a** Kan. Caboose on stock train or for passengers on freight train to be furnished with toilet; seats & drinking water. 2§ '05 ch.346, 7 Mr
- 1331 Waiting room**
- a** Minn. Railroad to maintain suitable toilet rooms at stations. 3§ '05 ch.208, 17 Ap
 - b** Mo. Amdg. R.S.'99 §1075: railroad to light & heat stations & keep open near train time. 1§ '05 p.107, 17 Ap
 - c** Tex. Ry. corp. to maintain water-closet at depot. 3§ '05 ch.133, 17 Ap
- 1332 Public order. Railway police**
- a** Ct. Penalty for trespass on railroad property. Rep. G.S.'02 §3783-84. 2§ '05 ch.202, 29 Je
 - b** Mass. Amdg. R.L. ch.111 §250: fine for loitering on property of railroad after request by *police officer* to leave. 1§ '05 ch.210, 23 Mr
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- a** Ari. Msdr. to use track bicycle or other vehicle on railroad track without consent of owner of road. '05 ch.49, 16 Mr
 - b** Cal. Felony to board or interfere with train for purpose of robbery. Adds Pen.C. §214. 1§ '05 ch.494, 21 Mr
 - c** Cal. Amdg. Pen.C §218 rel. to penalty for attempted wrecking of train or engine. 1§ '05 ch.495, 21 Mr
 - d** Cal. Felony punishable by death or life imprisonment in option of jury to wreck train or engine. Adds Pen.C. §219. 1§ '05 ch.496, 21 Mr
 - e** Ct. Amdg. G.S.'02 §1234 rel. to penalty for injury to railroad car or engine: motor on street ry.; removal of packing from journal box. 1§ '05 ch.193, 29 Je
 - f** Del. Msdr. to throw object maliciously to endanger person on railroad car, engine etc. 1§ '05 ch.207, 27 F
 - g** Del. Msdr. to enter car, caboose or locomotive with intent to commit felony. 1§ '05 ch.206, 20 Mr
 - h** Del. Msdr. to disturb railroad signal, or render track unsafe for transportation. 2§ '05 ch.205, 29 Mr

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- i Ga. Amdg. P.C.'95 §511 as to penalty for throwing rocks or shooting at car. 2§ '05 p.86, 23 Ag
- j Me. Amdg. R.S.'03 ch.128 §7 as to malicious removal of points of railroad location or survey. 1§ '05 ch.100, 21 Mr
- k Mon. Felony to obstruct running of railroad by act or written threat; murder in 1st degree if it results in death. Rep. Pen.C. §1030. 5§ '05 ch.24, 18 F
- m N. M. Amdg. '97 ch.16 §1: accessory to crime of tampering with locomotive attachment to be punished as principal. 1§ '05 ch.41, 8 Mr
- n N. M. Amdg. '84 ch.33 §2-3 rel. to penalty for obstruction of railroad track with intent to cause accident. 2§ '05 ch.52, 13 Mr
- p N. C. Penalty for wilful & malicious removal of packing from journal box. 1§ '05 ch.335, 1 Mr
- q Or. Felony to rob or attempt to rob railroad car. 1§ '05 ch.41, 9 F
- r R. I. Penalty for removing waste or packing from journal box. Supplements G.L. ch.279. 1§ '05 ch.1217, 21 Mr
- s S. C. Msdr. to place explosive on railroad track. 1§ '05 ch.451, 22 F
- t S. C. Msdr. to injure or remove brasses, bearings or packing from journal box of engine or car of steam or electric railroad. 1§ '05 ch.492, 7 Mr
- u Vt. Penalty for malicious removal of packing from journal box. 1§ '04 ch.151, 9 D
- 1334 **Railway police**
 - a Del. Gov. may appoint special constable on petition for ry. co. at its expense. 6§ '05 ch.68, 27 F
- 1335 **Stealing ride. Boarding train**
 - a Mass. "An act to prohibit unauthorized person from riding on railroad or on property of Boston Terminal Co." 1§ '05 ch.208, 23 Mr
 - b N. C. Amdg. '99 ch.625 §1: penalty for stealing ride on train not over \$50 fine & 30 days imprisonment. 1§ '05 ch.32, 24 Ja

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Street railways*See also* 500, Corporations; 841, 845, Taxation; 2040, Labor

- a Ct. Amdg. '03 ch.194 §54: charter of street ry. co. without organization void after 2 yrs. 2§ '05 ch.219, 6 JI
- b Ct. Construction plans of street ry. to be submitted to local authorities: speed regulation. Rep. G.S. §3823, 3841. 3§ '05 ch.244, 19 JI
- c Pa. Misc. amds. to '89 ch.227, '95 ch.67, '01 ch.250 rel. to incorp. of street railroad co.; extension & use of track; consent of local authorities; temporary abandonment; use of turnpikes. 7§ '05 ch.230, 3 My
- d Wis. Amdg. S.'98 §1863a rel. to condemnation proceedings by street or electric ry.; crossings; surveys of route; maintenance of fences & cattle guards. 1§ '05 ch.266, 25 My

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- a Mass. "An act to authorize Boston Elevated Ry. Co. to construct subway or subways in Cambridge." 25§ '05 ch.466, 26 My
- b Mich. Amdg. '67 ch.35 §13: street ry. on consent of municipality may construct trestles or lines under ground. 1§ '05 ch.101, 10 My
- c N. J. Amdg. '03 ch.257 §34: city below 1st class may permit construction of elevated railroad. 1§ '05 ch.68, 30 Mr

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1341 Conditional sale of equipment

- a Id. Conditional sale, lease or hire of railroad & street railroad equipment & rolling stock. 4§ '05 p.154, 7 Mr

1342 Consolidation, sale, lease, contracts

- a Mich. Amdg. '67 ch.35 §15: street ry. co. may acquire non-competing road, & dispose of its own road. 1§ '05 ch.97, 4 My

1345 Mail. Express. Light freight

- a Ind. Corp. organized under gen. railroad law operating interurban electric street railroad may haul freight by steam. 1§ '05 ch.41, 25 F

1347 Officers

- a Ind. Amdg. '61 (ex. sess.) ch.39 §8 rel. to election of directors of street railroad co. 1§ '05 ch.149, 6 Mr
- b Mass. Amdg. R.L. ch.112 §5: clause omitted which required a majority of directors of street ry. to be inhabitants of place where road is operated. 2§ '05 ch.80, 17 F

General supervision, *see* 1337

1359 Location. Right of way

See also 2710, Paving

- a Ct. Amdg. G.S. '02 §3847: street ry. co. to file map before *Nov. 1* [Sep.30] of ry. constructed during year ending *Oct. 15* [June 30] next preceding. 1§ '05 ch. 10, 5 Ap
- b Vt. State Highway Com'r & local authorities to prescribe conditions under which street ry. co. may use road built or repaired by state. Supplements S. ch. 170. 4§ '04 ch.94, 9 D

1360 Abandonment. Required operation

- a Wis. Amdg. S. '98 §1863a: street ry. during term of franchise not to abandon part of line on public street in municipality without consent of authorities. 1§ '05 ch.497, 20 Je

1361 Eminent domain

- a Kan. "An act conferring on street, suburban & interurban ry. co. power . . . of eminent domain & prescribing procedure . . ." 1§ '05 ch.357, 9 Mr
- b Mich. Amdg. '67 ch.35 §13: street ry. to have right of eminent domain; title to ores or minerals not acquired. 1§ '05 ch.133, 18 My

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1362 Franchises. Location of track. Extensions*See also 1628, Franchises (general)*

- a **Cal.** Amdg. C.C. §493 rel. to franchise for construction of elevated or underground ry. 1§ '05 ch.424, 21 Mr
- b **Cal.** "An act providing for sale of street railroad & other franchises in counties & municipalities, & providing conditions for granting such franchises by Leg. or other governing bodies. . . ." 11§ '05 ch.578, 22 Mr
- c **Me.** Amdg. R.S.'03 ch.53 §17: street railroad may be authorized to extend line to other points in city or town where located. 1§ '05 ch.36, 7 Mr
- d **Minn.** City of 10,000-20,000 may grant street ry. franchise for 25 yrs; proviso; exceptions. 3§ '05 ch.250, 18 Ap
- e **N. D.** Governing body of county, township, town or village may grant right of way for electric roads. 2§ '05 ch.153, 9 Mr
- f **Pa.** Municipality or township may allow street railroad co. to relocate, abandon or delay laying tracks, in return for abandonment of franchise to use certain other streets. 2§ '05 ch.231, 3 My

1365 Fares. Passes

- a **N. Y.** Establishing uniform 5c fare on electric cars between Albany & Rensselaer & providing for issue of transfers. 3§ '05 ch.358, 1 My

1366 Transfers

- a **Me.** Penalty for fraudulent issue or use of transfer tickets on public conveyances. 1§ '05 ch.99, 21 Mr

1368 Public safety and comfort

- a **Cal.** Street car or dummy to have brake & fender; msdr. to fail to close gate at railroad crossing or to allow animal to stray along track. Adds Pen.C. §369a, 369d-e. 16§ '05 ch.573, 22 Mr
- b **Mass.** Amdg. R.L. ch.112 §40: bd of aldermen *may* [shall] establish regulations as to speed & *manner & extent of* [mode of] use of tracks by street ry. co. Rep. §42. 2§ '05 ch.376, 5 My

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- a **Mich.** Amdg. '93 ch.171 §1, 7: crossing of street ry. tracks by street ry. to be approved by State Com'rs of Railroads. 2§ '05 ch.127, 17 My
- b **Mich.** Amdg. '03 ch.189 §11 rel. to fencing & crossings of electric or street ry. 1§ '05 ch.307, 17 Je

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- a **Ct.** Penalty for trespass on street ry. car. 1§ '05 ch.76, 18 My
- b **Mass.** Fine of \$2-\$20 for loitering on property of street ry. co. after request to leave. 1§ '05 ch.134, 7 Mr

1375 Obstruction. Injury

- a Ct. Amdg. G.S.'02 §1241: penalty for misuse of signal, signal box or switch of electric ry. 1§ '05 ch.73, 18 My
- b N. H. Punishment for placing explosives on rails of street or electric railroad. 1§ '05 ch.65, 9 Mr

1378 Express

See also 500, Corporations; 841, Corporation taxes; 845, Taxation; 1345, Street railways

- a Fla. Express co. failing to pay loss or damage within 90 days, to pay 25% interest on judgment exceeding amount offered by it in settlement. 2§ '05 ch.50, 31 My

1379 Rates. Discrimination

- a Del. Rep. '93 ch.700 which prohibited express co. from making discrimination in rates in favor of Pa. or Md. 1§ '05 ch.150, 16 Mr
- b Del. Amdg. '89 ch.461 §4: express co. not to make discrimination in rates in favor of *Pa. or Md.* [any state]. 1§ '05 ch.151, 16 Mr

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- a Ill. Amdg. R.S.'74 ch.19 §8 rel. to powers of Ill. & Mich. Canal Com'n. '05 p.81, 16 My
- b Mich. Com'n to be appointed to cooperate with U. S. in semi-centennial celebration of inauguration of Lake Superior ship canal; \$15,000. '05 p.536, 3 My
- c N. Y. Amdg. canal law '94 ch.338 §51 rel. to payment of expenses of engineers' dep't of canals. 1§ '05 ch.309, 22 Ap

1388 Ferries. Fords

- a Me. Amdg. R.S.'03 ch.25 §2 as to establishment of ferries by county com'rs. 1§ '05 ch.168, 24 Mr

1393 Bridges. Tunnels

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- a Fla. State Railroad Com'n may regulate tolls, charges & hours for traffic on toll bridges over Matangas & North rivers. 1§ '05 ch.52, 1 Je
- b Minn. City of 10,000-20,000 may issue bonds for repair of bridges. 7§ '05 ch.170, 13 Ap
- c Minn. City of 50,000 may incur bonded debt of \$150,000 for bridge across navigable stream on city boundary. 2§ '05 ch.293, 19 Ap
- d Mo. Amdg. R.S.'99 §5195: County Court may contract for repair of bridge at cost of not over \$100. 1§ '05 p.278, 7 Mr
- e Mo. Amdg. R.S.'99 §5185: court may order road com'r to construct bridge costing less than \$1000. 1§ '05 p.53, 8 Ap
- f Neb. County com'rs or supervisors to provide for erection & repair of bridges, culverts & approaches thereto. Rep. C.S.'03 §5335-38. 20§ '05 ch.126, 30 Mr
- g N. J. County of 2d class may incur bonded debt of \$75,000 to construct bridges. Supplements '95 ch.209. 1§ '05 ch.193, 28 Ap

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- h** **Okl.** Amdg. '03 ch.29 art.2 §1, 5, 6: township may construct bridge over 100 [200] ft long; township to pay $\frac{1}{4}$ [$\frac{3}{4}$], county $\frac{3}{4}$ [$\frac{1}{4}$] cost of construction; tax levy. 5§ '05 ch.32 art.1, 10 Mr
- i** **Okl.** County com'rs to levy tax not exceeding 3 mills for repair of bridge over 500 ft; division of expenses when bridge crosses county boundary stream. 3§ '05 ch.32 art.2, 11 Mr
- j** **Pa.** County com'rs to repair all county bridges; expense county charge. 2§ '05 ch.57, 30 Mr
- k** **Pa.** "An act authorizing commonwealth . . . to rebuild . . . county bridges over river not less than 1000 ft in width . . . destroyed by floods before final completion, & where . . . over 50% of . . . price had . . . been expended before destruction." 3§ '05 ch.135, 17 Ap
- m** **Wis.** Amdg. S.'98 §1319 rel. to county aid in building & repairing bridges; bridges wholly in city or village constructed by local tax. 1§ '05 ch.288, 1 Je

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- b** **Okl.** Amdg. S.'03 §1107 rel. to term of existence & articles of incorp. of bridge corp.; not to apply to co. erecting bridges over boundary streams. 2§ '05 ch.10 art.6, 4 Mr
- c** **Tex.** Corp. may be formed for operation of toll causeway or bridge. Adds R.C.S.'95 art.642 subdiv.64. 1§ '05 ch.62, 4 Ap

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- a** **Kan.** Foreign toll bridge corp. may operate on state boundary by complying with foreign corp. law. 1§ '05 ch.158, 8 Mr
- b** **Me.** Bridge com'n to be appointed to confer with N. H. com'n as to freeing interstate toll bridges & selection of new sites; report to Leg. of 1907. 5§ '05 ch.128, 21 Mr
- c** **Me.** Apportionment of expense of bridges connecting towns on basis of assessed valuation. 1§ '05 ch.152, 24 Mr
- d** **Mich.** County in state may build bridge across boundary river, jointly with adjoining county in other state. 2§ '05 ch.247, 16 Je
- e** **Mo.** City of 1st class may build or acquire bridge or tunnel across state or boundary river. 1§ '05 p.94, 6 Ap
- f** **N. H.** Bridge Com'rs to be appointed by Gov. to confer with like com'n from Me. & Vt. as to freeing of interstate toll bridges & location of new sites; report to Leg. of 1907. 6§ '05 ch.119, 10 Mr
- g** **N. Y.** Sup't of Public Works to investigate & report as to acquisition of toll bridges across the Delaware river between N. Y. & Pa. 4§ '05 ch.275, 22 Ap
- h** **Pa.** Erection of county bridges on boundary between any borough & township of 1st or 2d class. 2§ '05 ch.34, 24 Mr
- i** **Vt.** Bridge Com'n to be appointed to confer with like N. H. com'n as to freeing of toll bridges & erection of new bridges between states; report to Leg. of 1906. 5§ '04 ch.157, 10 D

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1403 Regulation of bridges over navigable waters

- a **Minn.** County may bridge stream, the navigable parts of which lie wholly within state; provisos. 1§
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1411 Telegraph and telephone

See also 320, Crimes against property; 500, Corporations; 841, 845, Taxation; 1252, Unlawful messages; 2040, Labor

- a **Ga.** Amdg. C.'95 §2347 rel. to construction of telegraph lines: provisions extended to telephone co.; rights of way; Railroad Com'n to regulate long distance intrastate messages. 2§ '05 p.79, 22 Ag
- b **Me.** Amdg. R.S.'03 ch.119 §23 rel. to improper use of telephones. 1§
'05 ch.167, 24 Mr
- c **Minn.** Ry., telegraph & express co. station to bear name of place of location unless confusing; penalty. 3§ '05 ch.252, 18 Ap
- d **Wis.** Service of process on telegraph & telephone co. Adds S.'98 §2637 subdiv.15. 1§
'05 ch.391, 17 Je

1412 Corporate organization and powers

- a **Minn.** Amdg. G.S.'94 §2903: rural telephone co. may be organized as cooperative ass'n. 1§
'05 ch.276, 18 Ap; '05 ch.313, 19 Ap
- b **N. J.** Telegraph co. may amend certificate of incorp. by complying with gen. corp. law & filing certificate with Sec. of State. Supplements R.S.'75 p.128. 1§
'05 ch.84, 31 Mr

1414 Supervision

1415 Franchise. Location

1418 Placing of wires and poles

See also 2645, Electricity

- a **Cal.** Amdg. C.C. §536-40 rel. to telegraph or telephone corp.; right of way; injury to apparatus. 5§
'05 ch.385, 20 Mr
- b **Col.** Amdg. '99 ch.85 §1: wire braces for telegraph or other posts *except anchor wires not strung over traveled portion of roadway* to be 20 [15] ft from ground. 1§
'05 ch.80, 6 Ap
- c **Ct.** Municipality may use telephone & telegraph poles without payment. 1§
'05 ch.276, 19 Jl
- d **Del.** Telephone co. to pay \$10 fine for each tree injured. 1§
'05 ch.209, 29 Mr

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- e Pa. Amdg. '74 ch.32 §33 rel. to location of wires of telegraph or telephone co. 1§ '05 ch.205, 22 Ap
- 1420 Rates. Discrimination
- a Tenn. Joint leg. committee to investigate excessive charges claimed to be made by Cumberland Telephone & Telegraph Co.; report to Leg. by Mar. 1905. '05 p.1318, 27 Ja
- b Wis. Prohibiting discrimination in telephone charges in cities & villages of same class; classifying cities; cities & villages under 3000 excepted. Adds S. '98 §1791a subdiv.1. 1§ '05 ch.389, 17 Je
- 1421 Transmission and delivery. Secrecy
See also 1252, Unlawful messages
- a Cal. Amdg. C.C. §2161 as to delivery of message by telephone co. 1§ '05 ch.469, 21 Mr
- b Cal. Amdg. Pen.C §619-21, 638-41 as to malicious interference with & wrongful disclosure or use of telephone message to another; bribing operator. 7§ '05 ch.528, 21 Mr
- c Del. Msdr. to obtain service of telephone co. through false pretenses. 1§ '05 ch.211, 16 Mr

1422 Commerce and industry (general)

1425 Weights and measures

- a Id. Establishing uniform standard of weights & measures; \$500. 6§ '05 p.364, 6 Mr
- b Id. Rep. '03 p.87 which established uniform standard of weights & measures. 1§ '05 p.365, 10 Mr
- c Kan. Grain, seed, hay & coal to be sold on basis of actual weight; msdr. to falsify weight. 2§ '05 ch.525, 22 F
- d N. D. Regulating weights & measures. 9§ '05 ch.194, 4 Mr
- 1426 Sealers. Public scales. Standards
- a Minn. City under 10,000 may maintain public wagon scales; proviso. 6§ '05 ch.286, 19 Ap
- b Mon. County com'r on petition of 25 resident freeholders to establish public scales; msdr. to issue false weight receipt. 7§ '05 ch.22, 20 F
- c Tex. Amdg. R.C.S.'95 art.4316 rel. to duty & liability of private weigher. Adds art. 4316a-b. 3§ '05 ch.84, 13 Ap
- d Wis. Amdg. S.'98 §1659: fees of State Sealer of Weights & Measures. 1§ '05 ch.71, 11 Ap

1427 Agricultural products

- a Cal. Butter in package of from $\frac{1}{2}$ -6 lb to be marked with exact weight in $\frac{1}{4}$ in. figures; disposition of fines. 4§ '05 ch.302, 20 Mr
- 1429 Fruits
- a Fla. Establishing standard crate or box for oranges. 3§ '05 ch.114, 5 Je
- b Mass. Amdg. '03 ch.408 §2: sealers [deputy] of weights & measures to enforce act rel. to measure & marking of cranberry bbl. & crates. 1§ '05 ch.300, 23 Mr

- c **N. J.** Amdg. '03 ch.256 §1 rel. to standard cranberry bbl. 1§
'05 ch.25, 13 Mr
- d **Wis.** Amdg. S.'98 §1668 as to sale of cranberries: standard bbl.
& measures; marking. 1§ '05 ch.56, 29 Mr
- 1431 **Hay**
 - a **Minn.** Providing for establishment of public hay tracks & weigh-
ing & inspection of hay & straw in cities of Minneapolis, St Paul,
S. St Paul & Duluth. 23§ '05 ch.196, 15 Ap
- 1432 **Hops**
 - a **Or.** Amount of tare to be allowed per bale on sale of hops. 2§
'05 ch.63, 10 F
 - b **Or.** Box of hops for picking to contain 50 lb. 1§ '05 ch.137, 21 F
- 1441 **Coal. Coke. Charcoal**
See also 1543, Coal and coke dealers
 - a **Kan.** Regulating weighing of coal in car lots by railroad co.;
weighmaster; certificates; penalty. 6§ '05 ch.355, 25 F
- 1459 **Wheat and corn products**
 - a **N. C.** Standard weight of bu. of corn meal 48 lb; size & marking
of packages. 4§ '05 ch.126, 7 F
 - b **Tenn.** Msdr. to sell short weight packages in corn meal; standard
bu., 48 lb; labeling. 4§ '05 ch.482, 17 Ap
- 1464 **Adulterations and imitations. Branding. Inspec-
tion**
See also 956, Adulterations liable to affect public health
- 1466 **Adulteration. Inspection**
 - a **Or.** Establishing laboratory at Univ. of Oregon for testing strength
of building material of state. 1§ '05 ch.46, 10 F
- 1472 **Commercial feed for stock**
 - a **Fla.** Regulating manufacture & sale of commercial feeding stuffs;
inspection & analysis by State Chemist; provision for appointment of
Assistant State Chemist, also of Inspector of Commercial Feeding
Stuffs & Fertilizers. 16§ '05 ch.81, 24 My
 - b **Ill.** Inspection & marking of concentrated live stock feed; license;
adulteration; penalties. 12§ '05 p.393, 18 My
 - c **Mich.** Commercial feeding stuffs. Adds '93 ch.211 §18. 1§
'05 ch.12 §18, 19 Mr
 - d **N. C.** Amdg. '03 ch.325 rel. to sale of concentrated commercial
feeding stuffs. 9§ '05 ch.332, 28 F
 - e **Okl.** Sale & inspection of commercial fertilizers & commercial
feeding stuffs. 14§ '05 ch.37 art.1, 15 Mr
 - f **Pa.** Amdg. '01 ch.78 §2 rel. to definition of "concentrated com-
mercial feed" in act to prohibit adulteration of same. 1§
'05 ch.212, 24 Ap

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- g **Tex.** Sale of concentrated feed stuffs; marking; measures; definition; trade-mark; sample; adulteration; analysis. 11§
'05 ch.108, 15 Ap
- h **Wis.** Amdg. '01 ch.377 defining concentrated feeding stuffs. 1§
'05 ch.143, 3 My
- 1473 Cotton seed meal and hulls**
- a **N. C.** Amdg. '87 ch.199 §2: record of purchaser of cotton seed to include name of owner of land where raised. 1§ '05 ch.201, 15 F
- b **N. C.** Amdg. '03 ch.339 regulating sale of cotton seed meal. 7§
'05 ch.207, 17 F
- 1474 Fertilizers**
- a **Ct.** Amdg. G.S.'02 §2527 rel. to unloading & transportation of fertilizers. 1§ '05 ch.201, 29 Je
- b **Me.** Verbal amdt. to R.S.'03 ch.39 §19 as to state expenditures for analysis of commercial fertilizers. Rep. §21. 2§ '05 ch.18, 22 F
- c **N. C.** Amdg. '01 ch.479 §9: State Chemist's analysis of sample of fertilizer prima facie correct & admissible as deposition in prosecution for adulteration. 1§ '05 ch.524, 6 Mr
- d **Okla.** Sale & inspection of commercial fertilizers & commercial feeding stuffs. 14§ '05 ch.37 art. 1, 15 Ms
- 1475 Formaldehyde**
- a **N. D.** Regulating sale & manufacture of formaldehyde. 7§
'05 ch.7, 17 F
- 1476 Gold and silver ware**
- a **N. Y.** Msdr. to misrepresent fineness of gold by more than 1 carat. Adds §364j to Pen.C. 1§ '05 ch.287, 22 Ap
- b **N. Y.** Amdg. '98 ch.331 §1, 4-6 as to prosecution for manufacture or sale of spurious goldware. 4§ '05 ch.288, 22 Ap
- 1478 Grain and grain products**
See also 1515, Grain warehouses and inspection
- a **Tex.** Sale of mill products; standard weights; msdr. not to mark name & weight of contents, & if adulterated. 5§ '05 ch.118, 15 Ap
- b **Wash.** Msdr. to adulterate meal or ground grain used to feed farm live stock; to be marked when sold. 2§ '05 ch.101, 9 Mr
- c **Wis.** Regulating sale & manufacture of buckwheat flour compounds. 5§ '05 ch.187, 12 My
- 1480 Hay and straw**
- a **Mo.** Railroad & Warehouse Com'rs to supervise inspection & weighing of hay. Adds R.S.'99 §7681a-b. 2§ '05 p.171, 15 Ap
- 1490 Oil. Paint. Lead**
See also 902, Food adulteration; 1493, Petroleum products
- a **N. D.** Regulating sale & manufacture of white lead & mixed paints. 4§ '05 ch.8, 6 Mr
- b **Pa.** Expense of enforcing law against adulteration of linseed oil not to exceed \$2000 annually; expenditures to be approved by Sec. of Agric. Supplements '01 ch.62. 1§ '05 ch.192, 22 Ap

1492 Insecticides

- a N. D. Regulating sale & manufacture of paris green. 7§
'05 ch.9, 18 F

1493 Petroleum products

See also 2073. Miners' oil and lamps

- a Id. Manufacture & sale of dairy, food & oil products. 42§
'05 p.54, 6 Mr
- b N. M. Inspection of coal oil, gasolene & naphtha. 7§
'05 ch.66, 14 Mr
Amended '05 ch.122, 16 Mr: not to apply to naphtha.
- c N. M. Amdg. '99 ch.50 §9: act not to apply to imported petroleum & its products. 1§
'05 ch. 125, 16 Mr
- d N. D. Rev. '01 ch.128 rel. to inspection of illuminating oils & gasolene. 16§
'05 ch.141, 7 Mr
- e S. D. Gasolene to be kept & sold in red receptacles containing not less than 1 gal.; marked "gasolene"; kerosene not to be marked gasolene. 5§
'05 ch.118, 11 F
- f S. D. Amdg. '03 ch.189 §3, 5 rel. to illuminating oil: quality; Kansas oil to be marked; inspection fees. 2§
'05 ch.142, 2 Mr
- g Tenn. Amdg. '99 ch.13 §3 as to salary of oil inspector in cities of 6000 [8000]. 1§
'05 ch.442, 14 Ap
- h Wash. Gasolene & benzin to be labeled "explosive"; penalty. 1§
'05 ch.98, 9 Mr
- i Wash. Inspection of petroleum products used for illuminating purposes. 10§
'05 ch.161, 11 Mr
- j Wy. Adulteration of food, drinks, drugs & oil. 8§ '05 ch.49, 18 F

1496 Seeds

- a Me. Analysis of agricultural seeds at Me. Agricultural Experiment Station. 2§
'05 ch.66, 15 Mr
- b Vt. Rep. '98 ch.84: "an act to prevent fraud in sale of garden seeds." 1§
'04 ch.112, 7 D

1500

Marks, labels etc.

See also 958. Adulteration (food)

- a Neb. "An act . . . to protect persons, ass'ns & unions of workmen . . . in . . . labels, trade-marks & forms of advertising . . ." 3§
'05 ch.90, 28 Mr
- b N. M. Registration of trade name, mark or label. 6§
'05 ch.24, 2 Mr
- c Pa. Amdg. '01 ch.286 §3: unlawful in using merchandise for pattern except for emergency repair to remove label or trade-mark. 1§
'05 ch.210, 24 Ap
- d Tenn. Use & registering of trade-marks. 8§ '05 ch.21, 31 Ja

1501

Bottles, cans and other receptacles

- a Ct. Amdg. G.S.'02 §4916 rel. to issue of search warrant for bottles, cans, jars, siphons or boxes unlawfully used or filled. 1§
'05 ch.48, 12 My

- b Mich. Rev. '01 ch.224 rel. to use of registered bottles, cans & other receptacles. 7§ '05 ch.164, 1 Je
- c Minn. Owners of bottles or receptacles for ice cream or butter may impress with name or registered device; penalty for illegal use. Rep. '95 ch.144. 7§ '05 ch.340, 19 Ap
- d N. J. Amdg. '98 ch.154 §3 rel. to unlawful use of certain receptacles for beverages & medicines. 1§ '05 ch.104, 6 Ap
- e Vt. Amdg. '02 ch.82 rel. to unlawful use & destruction of receptacles for milk to apply to all beverages. '04 ch.110, 29 N

1503

Union labels

- a Cal. Msdr. to misrepresent by tag or label character of labor employed on manufactured article. Adds Pen.C. §349a. 1§ '05 ch.509, 21 Mr

1504

Society badges and insignia

- a Ari. Msdr. to wear registered insignia of benevolent, fraternal or secret society without authority. 2§ '05 ch.30, 14 Mr
- b Neb. Msdr. to wear badge or insignia of any society, lodge etc. without authority. 3§ '05 ch.199, 3 Ap
- c N. Y. Amdg. Pen. C. §674a rel. to unauthorized use of certain society insignia, name or ritual. 1§ '05 ch.590, 19 My
- d Okl. Amdg. S.'03 §2515: msdr. for male person over 18 to wear insignia of certain secret organizations without authority. 1§ '05 ch.13 art. 5, 20 F

1505

Associations. Exchanges. Speculation

1507

Speculation. Bucket shops*See also 883, Gambling*

- a Minn. Prohibiting bucket shops & shopping. 4§ '05 ch.133, 11 Ap
- b N. C. Msdr. to deal in "futures"; pardon to one turning state's evidence. 7§ '05 ch.538, 6 Mr
- c N. D. Prohibiting operation of bucket shops. 2§ '05 ch.58, 10 F
- d S. D. Msdr. to deal in futures or operate bucket shop. 3§ '05 ch.115, 10 Mr

1508

Warehouses. Markets*See also 1544, Commission merchants*

1510

Warehouses

- a Minn. Prohibiting discrimination by public warehouse; receipts; penalty for fraudulent issue. 4§ '05 ch.302, 19 Ap
- b N. C. Amdg. '01 ch.678 §2: warehouse capitalized at \$5000 need not furnish bond; receipts valid without registration. 3§ '05 ch.540, 6 Mr
- c Vt. Establishment of public warehouses, issue & transfer of warehouse receipts, & storage liens. 12§ '04 ch.156, 6 D

1511 **Claimants**

- a N. H. Adverse claimants against depository to be interpleaded; procedure; costs. 6§ '05 ch.62, 9 Mr

1512 Payment of charges. Sale of goods

- a **Minn.** Sale by warehouseman to satisfy lien can only be made if license was obtained within 30 days after passage of act. '95 ch.149 §8, 25 Ap. *Unconst.* Class legislation. *Webb v. Downes* 101 N.W. 966 (1904).

1513 Warehouse receipts

- a **Cal.** Sale or transfer of warehouse receipt. 4§ '05 ch.307, 20 Mr
- b **Cal.** Warehouse receipt to be issued only for goods actually on deposit; negotiable by indorsement; liability for loss by fire. Adds C.C. §1858-1858f. 7§ '05 ch.452, 21 Mr
- c **Kan.** Regulating issue of warehouse receipt for agricultural & dairy products or dressed meat; penalty for fraudulent alteration; exceptions. 9§ '05 ch.224, 25 F
- d **Mich.** "An act to regulate the issuing of warehouse receipts in certain cases." 9§ '05 ch.147, 1 Je
- e **N. D.** Amdg. R.C.'99 §1791: grain storage receipt to state that holder is entitled *on demand* to receive same quality & amount of grain delivered *at any terminal point* or same place where received and on payment of reasonable charge for handling. 1§ '05 ch.110, 9 Mr
- f **Wis.** Amdg. '99 ch.251 §1: warehouse receipts may be issued by manufacturers or dealers in hides, pelts or leather. 1§ '05 ch.383, 17 Je

1515 Grain warehouses and inspection

- a **N. D.** Gov. may recommend person to Gov. of Wis. as member grain & warehouse com'n for city of Superior, for 2 yrs at \$300 salary. Rep. '03 ch.191. 3§ '05 ch.115, 7 Mr
- b **Wis.** Regulating storage, weighing & inspection of grain in elevators or warehouses in city of Superior & licensing of warehousemen. 56§ '05 ch.19, 20 Mr
- c **Wis.** Railroad co. to rent site within depot grounds to person proposing to erect public grain elevator or warehouse outside of city; Railroad Com'n may direct railroad to furnish site & may fix rental. 1§ '05 ch.479, 20 Je

1517 Inspection

- a **N. D.** N. D. Agricultural Station to determine comparative milling values of different grades of wheat; publication of record. 1§ '05 ch.113, 9 Mr

1519 Weighing. Dockage

- a **Kan.** Chief grain inspector to forward statement of weights on request of shipper. 1§ '05 ch.486, 4 Mr

1526 Stock yards

- a **Kan.** Joint leg. committee to draft with Mo. committee stock yard bill to be passed by both states. '05 ch.532, 25 Ja
- b **Kan.** Defining "public stock yard"; annual report; maximum charges; penalties. 8§ '05 ch.496, 4 Mr

1532 Regulation and licensing of trades and occupations

- a Ct. Amdg. G.S.'02 §1358 rel. to sales or exhibits from unauthorized stands near certain gatherings. 1§ '05 ch.275, 19 JI
- b Me. "An act regulating licensing of innholders & victualers in city of Portland." 4§ '05 private laws ch.167, 8 Mr
- c N. Y. Amdg. '90 ch.332 rel. to licensing of public vehicles, venders & amusements in town of 3000. 5§ '05 ch.249, 20 Ap
- d N. C. Amdg. '87 ch.199 rel. to record of purchases of peanuts to be kept by buyer. 4§ '05 ch.523, 6 Mr
- e Wis. Licensing of hawkers, peddlers, transient merchants, circuses & exhibitions & special sale merchants. Rep. S.'98 ch.67, '01 ch.341, '03 ch.393. 25§ '05 ch.490, 20 Je

1534 Architects

- a Ill. Amdg. '97 p.81 §8 rel. to penalty for practising as architect without license. 1§ '05 p.78, 16 My

1536 Accountants

- a Fla. Regulating business of accountancy. 9§ '05 ch.54, 5 Je
- b Mich. Regulating business of accountancy. 7§ '05 ch.92, 4 My

1540 Barbers

- a **CT.** Amdg. '03 ch.130 §3: Bd of Examiners may renew barbers license on application made within 2 yrs [30 days] after expiration of license. 1§ '05 ch.189, 29 Je
- b Kan. Rep. '03 ch.70 which regulated practice of barbering. 1§ '05 ch.70, 25 F

Bill posters, *see* 1082, Signs and advertisements

1544 Commission merchants

- a Minn. Amdg. '99 ch.225 §7: Railroad & Warehouse Com'n may revoke license of com'n merchant for conduct prejudicial to interests of consignors. 1§ '05 ch.126, 7 Ap

1546 Cotton

See also 1433, Weights and measures

- a S. C. "An act to regulate traffic in seed . . . & unpacked lint cotton." 6§ '05 ch.458, 18 F

Dentistry, *see* 948

Elevator men, *see* 1101

Embalming and undertaking, *see* 1051

Engineers, *see* 1130

1560 Hawkers and peddlers

- a Ark. Msdr. for other than resident of county to peddle certain articles without license. S.'04 §6886. *Unconst.* Class legislation; denies equal protection of law. Ex parte Deeds. 87 S.W. 1030 (1905).
- ai Cal. Honorably discharged Union veteran may vend, hawk or peddle without license. 2§ '05 ch.297, 20 Mr
- b Del. Amdg. '01 ch.162 exempting peddlers of farm produce from paying license fee. 2§ '05 ch.153, 6 Ap

- c Id. Rev. '01 p.155 regulating business of peddling. 7§
'05 p.97, 10 Mr
- d La. Including retail drummers in definition of hawkers & peddlers for purpose of license tax. '04 ch.49, 28 Je; amdg. '00 ch.103 §12. *Unconst.* in so far as it taxes transient merchants selling by sample; subject not included in title. *Beary v. Narrau* 37 S. 961 (1905).
- e Mass. Amdg. R.L. ch.65 §19: person paying tax on stock taking peddlers license to *pay excess of fee over tax* [licensed free]. 1§
'05 ch.204, 23 Mr
- f Mass. Amdg. R.L. ch.65 §15: license not required to peddle fruit of the U. S.; farmer peddling domestic fruit not a hawker or peddler. 1§
'05 ch.377, 5 My
- g Mich. Amdg. R.S.'46 ch.21 §22: peddler of meat or fish may sell without license. 1§
'05 ch.120, 17 My
- h Mich. Amdg. R.S.'46 ch.21 §23, 24: penalty for failure of peddler to display license on vehicle. 2§
'05 ch.158, 1 Je
- i Mich. Amdg. '46 ch.21 §18 rel. to peddlers license fee. 1§
'05 ch.296, 17 Je
- j Minn. Submitting amdt. to Const. 1857 art.1 by adding §18: person may sell or peddle product of own farm or garden without license. Vote Nov.1906. 2§
'05 ch.283, 19 Ap
- k Mon. Amdg. P.C. §4066 rel. to peddlers & hawkers license fees.2§
'05 ch.84, 3 Mr
- m N. M. "An act to prevent & punish fraud in sales of manufactured goods, jewelry, wares & merchandise by itinerant vendors & to regulate such sales." 24§
'05 ch.128, 16 Mr
- n N. Y. Amdg. '96 ch.371 §1-2: honorably discharged veteran of Spanish-American War may obtain hawkers or peddlers license without cost. 2§
'05 ch.162, 8 Ap
- p N. C. Itinerant peddler of drugs to pay annual license fee of \$100 in each county; county may refuse to issue license & may exempt poor & infirm from payment of fee. 1§
'05 ch.503, 6 Mr
- q Or. Amdg. '03 p.77 rel. to license of peddlers, hawkers & itinerant vendors. Rep. Ann. C.&S. §3876, 3877. 4§
'05 ch.206, 22 F
- r S. D. Amdg. '03 ch.190 §7: msdr. to deal as peddler, *transient merchant, trader or dealer* without license. 2§
'05 ch.147, 7Mr
- s Vt. "An act requiring peddlers to be licensed." Rep. S. §4731-35. Reenacting §4736-43, 4747. 5§
'04 ch.145, 10 D

1562

Horseshoeing

- a Wash. "An act requiring horseshoers in cities of 1st, 2d & 3d classes . . . to pass exam. . . ." '01 ch.67, 11Mr. *Unconst.* Trade not one affecting health, welfare & comfort of inhabitants & hence regulation not justified by police power. In re Aubry 78 P. 900 (1904).

1568

Junk and secondhand dealers

See also 1727, Pawnbroking

- a Ct. Amdg. & supplementing G.S.'02 §4653 rel. to junk dealers: name of owner, number of license & town to be displayed on wagon. 3§
'05 ch.88, 19 My

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- b Ind. License for junk dealer; purchase from minor without parent's written consent prohibited. 5§ '05 ch.137, 6 Mr
- c Me. Amdg. R.S.'03 ch.4 §93 ¶12: cities & towns of 5000 may regulate junk dealers & pawnbrokers to prevent purchase or sale of stolen goods. 1§ '05 ch.78, 17 Mr
- d N. H. Amdg. P.S. ch.124 §1: mayor & aldermen may license junk dealers & determine place where business may be carried on. '05 ch.76, 9 Mr
- e S. D. Msdr. to purchase broken metal from minor under 18. 1§ '05 ch.60, 1 Mr

Law, see 591

Medicine, see 944

1575

Nurses

See also 2171, Hospitals

- a Cal. Exam. & registration of nurses by regents of State University. 7§ '05 ch.405, 20 Mr
- b Col. Regulating business of professional nursing. 8§ '05 ch.136, 11 Ap
- c Ct. Examination & registration of nurses. 8§ '05 ch.120, 6 Je
- d Ind. Regulating practice of nursing. 10§ '05 ch.46, 27 F
- e N. J. Applicant for license as trained nurse may file certificate of inst. attended in lieu of diploma. Supplements '03 ch.109. 1§ '05 ch.208, 28 Ap

Pawnbroking, see 1727

Pharmacy, see 949

Plumbers, see 1106(5), Plumbing

1586

Transient merchants. Sale of bankrupt stocks. Itinerant vendors

- a Col. License of itinerant vendors; records; penalty for misconduct. 16§ '05 ch.114, 10 Ap
- b Mich. Transient merchants. 9§ '05 ch.214, 13 Je
- c Nev. License granted to itinerant merchant, peddler or auctioneer for 1 mo. \$300; not to apply to agricultural products. 7§ '05 ch.153, 24 Mr
- d N. M. Itinerant vendor to be licensed & deposit \$1000 cash; suit by defrauded customer. 7§ '05 ch.107, 16 Mr
- e S. D. Amdg. P.C. §2218-19: sheriff or constable may collect tax on itinerant vendors. 2§ '05 ch.47, 11 F
- f Wash. Annual license fee of \$200 for itinerant vendor of clocks, stoves, certain machinery, carriages, lightning rods & groceries. 3§ '05 ch.177, 14 Mr

1588

Veterinary practice

- a Ct. Practice of veterinary medicine, surgery & dentistry. 8§ '05 ch.183, 29 Je
- b Del. Amdg. '03 ch.364 §4 rel. to practice of veterinary surgery: exempting from exam. practitioner holding unexpired license from state. 1§ '05 ch.120, 30 Mr

- c **Ind.** Regulating practice of veterinary medicine & surgery. Rep.
'03 ch.239. 17§ '05 ch.98, 4 Mr
- d **Me.** An act to regulate the practice of veterinary surgery, medi-
cine & dentistry. 10§ '05 ch.17, 22 F
- e **Mo.** Regulating practice of veterinary surgery. 16§
- f **Neb.** Practice of veterinary medicine & surgery. 9§
'05 p.209, 23 Mr
- g **N. C.** Amdg. '03 ch.503 §11: extending time for practising veteri-
narian to register till Jan. 1, 1906 [1905]. 1§ '05 ch.320, 27 F
- h **N. D.** Amdg. R.C.'99 §1619 rel. to registration of veterinarians:
examination & registration fees; annual renewal. 2§ '05 ch.192, 9 Mr
- i **Or.** Amdg. '03 p.154 §7: practising veterinarian to be licensed
without exam.; act not to apply to veterinarian employed by Bureau of
Animal Industry. 2§ '05 ch.78, 15 F
- j **Pa.** Veterinarian to register annually with State Bd of Veterinary
Medical Examiners; certificates; fees. 5§ '05 ch.151, 18 Ap
- k **Tenn.** Practice of veterinary medicine & surgery; act to apply to
counties of 40,000. 19§ '05 ch.76, 2 F

1590

Miscellaneous trade regulations

- a **Cal.** Amdg. C.C. §993: business name may be included in good-
will. 1§ '05 ch.442, 21 Mr
- b **N. Y.** Amdg. Pen.C. §642: msdr. to copy or use list of 500 cus-
tomers or subscribers without permission of owner. 1§
'05 ch.441, 16 My

1592

Advertisements

See also 1082, Signs and advertisements

- a **Me.** Amdg. R.S.'03 ch.128 §13: *written* consent of owner or mu-
nicipality before affixing advertising signs; penalty \$5-\$20 [§10]. 1§
'05 ch.33, 7 Mr

1593

Discrimination

*See also 589, Combinations and monopolies; 1204, Transportation and com-
munication; 1230, Passenger rates; 1379, Express; 1420, Telegraph and telephone;
1742, Insurance*

- a **Kan.** Prohibiting unfair competition through discrimination be-
tween different sections of state as to price of commodity; \$200 fine.
5§ '05 ch.2, 4 Mr
- b **U.** Person or co. engaged in collection & sale of news must not dis-
criminate between newspapers. 8§ '05 ch.106, 9 Mr

1596

Legal holidays. Public holidays

See also 2271, Schools

- a **Ari.** Amdg. R.S.'01 §2709: Mon. to be holiday when legal holiday
falls on Sun. 2§ '05 ch.15, 21 F
- b **Cal.** Rep. C.C. §8 which made Mon. following a holiday, legal
holiday. Amds. §9. 2§ '05 ch.17, 20 F
- c **Fla.** Designating legal holidays. 1§ '05 ch.21, 5 Je

- d Ind. Enumerating legal holidays; bank in city of 35,000 may close 12 m. Sat.; negotiable paper due Sat. payable Mon. 4§
'05 ch.118, 4 Mr
- e Tex. Amdg. R.C.S.'95 art.2939: June 3 a legal holiday. 1§
'05 ch.11, 9 F
- 1604 Election day
 - a Mich. Amdg. '65 ch.124 §1 rel. to election days as public holidays. 1§
'05 ch.35, 29 Mr
- 1618 Lincoln's birthday
 - a Mass. "An act to provide for observance of birthday of Abraham Lincoln." 1§
'05 ch.328, 25 Ap
- 1620 Memorial day
 - a Mich. Designating May 25 & Sep. 30 as "memory days" for better care of cemeteries & graves. 1§
'05 ch.22, 20 Mr
 - b Mich. Township, city or village may make appropriation for Memorial day. 2§
'05 ch.110, 10 My
 - c Neb. Msdr. to engage in horse racing, ball playing or any game of sport on Memorial day. 1§
'05 ch.197, 30 Mr
- 1624 Saturdays
 - a Cal. Amdg. P.C. §10: Sat. from 12 o'clock m. to be holiday in public offices; proviso. 2§
'05 ch.94, 10 Mr
- 1628 Trading stamps
 - a Cal. Prohibiting giving of trading stamp premium coupon or prize with sale of merchandise; exception. 1§
'05 ch.69, 7 Mr
 - b Col. Msdr. to give or accept trading stamp or other device representing uncertain bonus for purchase of goods. 5§
'05 ch.110, 20 Ap
 - c Ct. Person giving trading stamps to redeem same: not to reissue trading stamps without consent of party responsible for redemption. 3§
'05 ch.268, 19 Jl
 - d Neb. Trading stamps: redemption value in money to be printed on face; redeemable in merchandise or money at option of holder & in any quantity; penalty \$100-\$1000 for each offense. 5§
'05 ch.204, 1 Ap
 - e N. H. Prohibiting use of trading stamps. '99 ch.60, 9 Mr. *Unconst.* Imposes arbitrary restraint on trade not properly within police power. *State v. Ramseyer*, 58 A. 958 (1904).
 - f N. H. Amdg. P.S. ch.147: prohibiting formation of trading stamp or similar corp. 1§
'05 ch.70, 9 Mr
 - g N. H. Trading stamp co. to be licensed after exam. by Gov. & Council; fees; stamps to bear face value & be redeemable in money or goods at holder's option; liability of distributor; tax on co. 10%, on distributor 3% of gross returns; penalties. 17§
'05 ch.83, 10 Mr
 - h N. J. Trading stamps must be redeemable in money & have cash value on face; distributor liable for value; exception. 6§
'05 ch.265, 29 Je
 - i Wash. Prohibiting use of trading stamp prize or chance in sale of merchandise; exceptions. 1§
'05 ch.179, 14 Mr

1630 **Encouragement of industries**1633 **Bonus. Exemptions. Bounty**

See also 810, Exemptions from general property tax; 1282, Railroads; 1350, Street railways

1635 **Beet sugar and sugar beet**

See also 1222, Sugar beets (rates)

- a **Kan.** Appropriating \$10,600 for bounty at \$1 a ton or pro rata for raising beets of quality prescribed by Bd of Agric. & use in manufacture of sugar. 6§ '05 ch.75, 9 Mr
- b **Neb.** "An act to provide encouragement of manufacture of sugar & chicory & to provide compensation therefor." '95 ch.1, 29 Mr. *Unconst.* Contains more than 1 subject. Oxnard Beet Sugar Co. v. State, 102 N.W. 80 (1905).
- c **N. Y.** Amdg. agricultural law '93 ch.338 art.5 rel. to sugar beet bounty. 8§ '05 ch.759, 3 Je

1641 **Chicory**

- a **Neb.** "An act to provide for encouragement of manufacture of sugar & chicory & to provide compensation therefor." '95 ch.1, 29 Mr. *Unconst.* Contains more than 1 subject. Oxnard Beet Sugar Co. v. State 102 N.W. 80 (1905).

1653 **Silk culture**

- a **U.** Utah silk com'n abolished. Rep. R.S.'98 t.59 ch.2. 1§ '05 ch.59, 9 Mr

1662

Expositions

See also 1835, Fairs

Jamestown Exposition

- a **Ct.** Com'n to be appointed to report on state exhibit for Jamestown Exposition; \$26,000. 3§ '05 special acts ch.451, 18 Jl
- b **Fla.** Com'n to be appointed to prepare state exhibit & building for Jamestown Exposition; report to Leg. of 1907. 5§ '05 ch.71, 29 My
- c **Ill.** Com'n to be appointed to prepare state exhibit for Jamestown Exposition; \$25,000. 5§ '05 p.21, 18 My
- d **Mass.** Bd of managers of Louisiana Purchase Exposition to consider state representation at Jamestown Exposition; report to Leg. of 1906; \$1000. '05 r.107, 26 My
- e **N. J.** Com'n to be appointed to prepare state exhibit for Jamestown Exposition; \$25,000. 5§ '05 ch.61, 27 Mr
- f **N. Y.** Com'n to be appointed to report to Leg. of 1906 on preparation & estimated cost of state exhibit for Jamestown Exposition; \$5000. 5§ '05 ch.721, 3 Je
- g **N. C.** Com'n of 10 to be appointed to prepare state exhibit for Jamestown Exposition in 1907; \$30,000. 7§ '05 p.1065, 6 Mr
- h **Pa.** Com'n to be appointed to prepare state exhibit for Jamestown Exposition; \$100,000. '05 ch.310, 11 My
- i **R. I.** Com'n to be appointed to report plan for state participation in Jamestown Exposition; report to Leg. of 1906. '05 r.2, 21 Ap

- j Wis. Joint leg. committee to report to Leg. of 1907 on plans for state participation in Jamestown Exposition. '05 p.992
- Lewis and Clark Exposition
- k Col. Com'n to be appointed to prepare state exhibit for Lewis & Clark Exposition; \$15,000. 4§ '05 ch.26, 10 Ap
- m Id. \$25,000 additional appropriation for exhibit at Lewis & Clark Exposition. Supplements '03 p.279. 2§ '05 p.225, 7 Mr
- n Ill. Com'n to be appointed to prepare state exhibit for Lewis & Clark Exposition; \$25,000. 5§ '05 p.23, 17 Mr
- p Mass. Appropriating \$4500 for representation by committee of 18 at Lewis & Clark Exposition on June 17, 1905. '05 r.97, 24 My
- q Mo. Com'n of 3 to manage exhibit at Lewis & Clark Exposition; \$35,000. 7§ '05 p.40, 22 Mr
- r Neb. State bd of 3 com'rs for Lewis & Clark Exposition to be appointed by Gov.; \$12,000. 11§ '05 ch.228, 3 Ap
- s Neb. Amdg. Ann.S.'03 §2816 rel. to disposal of Lewis & Clark Exposition exhibit at public auction. 2§ '05 ch.232, 4 Ap
- t N. Y. Lewis & Clark Exposition Com'n consisting of 7 appointees of Gov. to prepare state exhibit. Supplementing '04 ch.729. 4§ '05 ch.715, 3 Je
- u Or. Amdg. '03 p.6: Lewis & Clark Exposition to open *June 1* [May 1] & close *Oct. 15* [Nov. 1] 1905. 1§ '05 ch. 32, 6 F
- v Or. Lewis & Clark Exposition Co. to have right of eminent domain. 1§ '05 ch.47, 10 F
- w U. Com'n of 5 to arrange plans for representation at Lewis & Clark Exposition. Rep. '03 ch.96 §1-9. 12§ '05 ch.54, 9 Mr
- x Wash. Gov. to appoint com'n to manage state exhibit at Lewis & Clark Exposition; \$75,000. Rep. '03 ch. 188. 10§ '05 ch.6, 25 Ja
- y Wash. County com'rs may exhibit products at Lewis & Clark Exposition. 1§ '05 ch.13, 14 F
- z Wy. Com'n to be appointed to direct preparation & management of state exhibit at Lewis & Clark Exposition; \$10,000. 11§ '05 ch.44, 15 F

1675

Resources and attractions. Immigration

See also 2114, Emigrant agents

- a Del. Extending for 2 yrs term of State Bd of Immigration Com'rs appointed by '03 ch.333. 2§ '05 ch.81, 20 Ap
- b Mass. Appropriating \$500 for publication by Bureau of Statistics of Labor of information as to unutilized industrial opportunities. '05 r.57, 28 Ap
- c N. H. Amdg. P.S. ch.12 §10: encouragement of immigration *and summer residence* by advertising state's natural resources; \$3000 [\$2000] annually. 1§ '05 ch.96, 10 Mr
- d N. M. Amdg. C.L.'97 §1870 rel. to composition & incidental expenses of Bureau of Immigration. 2§ '05 ch.110, 16 Mr
- e N. C. Rep. '91 ch.555 which imposed duties of Com'r of Immigration on Com'r of Agric. 1§ '05 ch.421, 4 Mr

- f **N. D.** \$20,000 for publication rel. to resources of state with view to immigration; Com'r of Agric. & Labor with approval of Gov. to direct expenditure. 2§ '05 ch.26, 15 Mr
- g **Wis.** County bd of supervisors may appropriate \$1000 a yr to assist immigration ass'ns. 3§ '05 ch.458, 19 Je
- h **Wy.** Gov. to publish Jan. 1, 1906 pamphlet known as "State of Wy." concerning resources of state. 2§ '05 ch.95, 21 F

1679

Banking

Banks of deposit or two or more kinds of banking institutions. *See also* 500, Corporations; 843, Taxation of banking institutions.

- a **Cal.** Amdg. '03 ch.266 §13, 15, 20, 23-24 rel. to salary & expenses of Bank Com'rs; forfeiture of bank charter; cash reserve. 7§ '05 ch.296, 20 Mr
- b **Id.** Gen. banking law. 50§ '05 p.175, 6 Mr
- c **Ind.** "An act to regulate . . . banking by individuals, partnerships & unincorporated persons." 10§ '05 ch.109, 4 Mr
- d **Mass.** International transportation co. which receives & transmits money to give \$15,000 bond; exceptions; penalty. 5§ '05 ch.428, 22 My
- e **Neb.** Amdg. Ann.S.'03 §3707 rel. to issue of bank charter: responsibility of applicant; fee. '05 ch.9, 25 Mr
- f **Neb.** Amdg. Ann. S.'03 §3704, 3714: banks not to transact business till charter is obtained from State Banking Bd; increasing amount of cash capital required in towns & cities under 1000; penalty, \$50 a day for failure to provide charter. 4§ '05 ch.8, 30 Mr
- g **N. D.** Gen. banking law. 42§ '05 ch.165, 6 Mr
- h **Tex.** Gen. banking law. 80§ '05 ch.10 (ex. sess.), 26 My
- i **W. Va.** Amdg. C. ch.54 §78 rel. to banking insts.: loans to stockholder; savings banks, cooperative banking ass'ns & trust co. subject to provisions of law; supervision of building & loan ass'ns & mutual investment co. by Com'r of Banking; appointment of ass't com'r. 1§ '05 ch.45, 24 F
- j **Wis.** Amdg. '03 ch.234 art.2 §1, 3, 27, 45 rel. to banks: amount of capital stock; incorp. fee; loans. 4§ '05 ch.109, 22 Ap

1680 Inspection. Reports. Departments

- a **Ari.** Amdg. R.S.'01 §131-32 rel. to exam. of banks, trust co. & loan ass'ns. 3§ '05 ch.33, 16 Mr
- b **Me.** Amdg. R.S.'03 ch.48 §79 as to authority of Bank Examiner over trust & banking co. 1§ '05 ch.12, 17 F
- c **Mich.** Amdg. '87 ch.205 §39, 40: exam. of banks, 2 [1] or more times a yr; fee, \$25 [\$10]. 2§ '05 ch.88, 3 My
- d **Mo.** Amdg. R.S.'99 §1309: 6 [4] Bank Examiners. 1§ '05 p.96, 27 F
- e **Mon.** Amdg. C.C. §577 rel. to reports of state banks & penalty for false entry. 8§ '05 ch.19, 16 F
- f **N. H.** Amdg. R.S. ch.162 §3, 4 rel. to Bd of Bank Com'rs: appointment of chairman; employment of experts. 2§ '05 ch.26, 21 F

- g N. Y. Amdg. banking law '92 ch.689 §20-22 rel. to reports of banks & trust co. 3§ '05 ch.297, 22 Ap
- h N. Y. Amdg. banking law '92 ch.689 §8 rel. to exam. of banks & trust co. 1§ '05 ch.394, 16 My
- i N. Y. Official communications from Banking Dep't to be submitted to directors at next bd meeting. Adds §39 to banking law '92 ch.689. 1§ '05 ch.416, 16 My
- j N. C. Amdg. '03 ch.275 §23: Bank Examiner to verify report of directors. 2§ '05 ch.539, 6 Mr
- k Pa. Com'r of Banking may appoint 5 additional examiners. 1§ '05 ch.13, 7 Mr
- m Pa. Salary of Deputy Com'r of Banking, \$3000. 1§ '05 ch.64, 31 Mr
- n U. Amdg. R.S.'98 §388 as to attestation & filing of proof of publication of bank report. 1§ '05 ch.79, 9 Mr
- p Wis. Com'r of Banking may employ additional examiner for trust co. & building & loan ass'ns; salary \$1800. 1§ '05 ch.517, 20 Je

1684

Capital

- a Cal. Amdg. C.C. §580: capital stock of banking corp. *required by law* must be fully paid within 2 yrs. 1§ '05 ch.394, 20 Mr
- b N. Y. Amdg. banking law. '92 ch.689 §17 as to sale of bank stock on failure to pay assmt. ordered by Sup't of Banks to make good impairment of capital. 1§ '05 ch.649, 27 My
- c N. C. Amdg. '03 ch.275 §12: holder of bank stock may make valid transfer though indebted to bank. 2§ '05 ch.539, 6 Mr
- d Wy. Amdg. R.S.'99 §3086 rel. to capital stock of loan, trust or savings bank co. 1§ '05 ch.78, 21 F

1687

Dissolution. Insolvency*See also 523, Corporations*

- a Ga. Liens against banks for collections on collaterals. 2§ '05 p.100, 22 Ag
- b N. H. Amdg. P.S. ch.162 §15: in proceedings to forfeit bank charter *Superior* [Supreme] Court to appoint *receiver* [assignee]. 1§ '05 ch.55, 9 Mr
- c Tenn. Amdg. '83 ch.131 §1: felony for officers of insolvent bank to receive money, *notes, checks, drafts or other valuable securities on deposit*. 2§ '05 ch.19, 4 F

1688

Deposits*For receiving deposits when insolvent see 1687*

- a Mich. Amdg. '87 ch.205 §32 rel. to certificates of deposit; banks not to give preference to depositors by pledging assets of bank; provisos. 1§ '05 ch.117, 11 My
- b N. H. Adverse claimants against depository to be interpleaded; procedure; costs. 6§ '05 ch.62, 9 Mr
- c S. D. Bank not to be liable on forged or raised check unless notified within 3 mo. after return of vouchers to depositor. 2§ '05 ch.56, 23 F

- d Vt. Advertising & reissue of lost savings bank or trust co. pass-book. 3§ '04 ch.100, 30 N
- 1689 Foreign corporations
- a Mon. Regulation of foreign corp. or joint stock co. doing banking business in state. 18§ '05 ch.104, 7 Mr
- b Wash. Regulating foreign banks & bankers doing business in state. 5§ '05 ch.31, 24 F
- 1690 Liability of stockholders and officers
- a Me. Amdg. R.S.'03 ch.48 §86: receiver of bank or trust co. to enforce stockholder's liability by suit. 1§ '05 ch.19, 22 F
- b S. C. Amdg. C.C. §1775 rel. to liability of stockholder of insolvent bank. 2§ '05 ch.416, 22 F
- 1691 Loans. Investments
- a Ga. Amdg. C.'95 §1914: bank not to make loan to officer without good collateral or *other ample security*; loan over 10% of capital stock to require written approval of majority of directors. 2§ '05 p.74, 22 Ag
- b N. Y. Amdg. banking law '92 ch.689 §25 rel. to amount which bank or trust co. may loan to 1 party. 1§ '05 ch.456, 16 My
- c N. Y. Amdg. §179 of banking law '92 ch.689 rel. to loans on 2d mortgages. 1§ '05 ch.491, 17 My
- 1692 Name. Domicile
- a Ct. Penalty for unauthorized use of "bank," "trust," or "savings" in artificial or corporate name. Rep. G.S. '02 §3417. 2§ '05 ch.209, 6 J1
- b Me. An act prohibiting use of titles ordinarily applied to banks & trust co. by other than banking corp. 1§ '05 ch.171, 24 Mr
- c Okl. Amdg. '99 ch.4 §2: unlawful for bank to move place of business without amdg. charter. 2§ '05 ch.7 art.1, 13 Mr
- 1693 Officers. Meetings
- a N. Y. Amdg. Pen. C. §600 rel. to penalty for overdrafts by officer of bank or trust co. or for accepting commission from depositor to secure special favors. 1§ '05 ch.248, 20 Ap
- b N. Y. 3 directors of bank or trust co. to examine affairs in Ap. & Oct. & report to Bd. Adds §21a to banking law '92 ch.689. 1§ '05 ch.418, 16 My
- 1695 Reserve. Surplus
- a Me. Amdg. R.S.'03 ch.48 §80 rel. to cash reserve of banks and trust co. 1§ '05 ch.15, 21 F
- 1698 Trust and safe deposit companies
- a Cal. Use of word "trust" confined to certain companies. Adds § 23 to '91, ch.264. 1§ '05 ch.259, 18 Mr
Codified as C.C. §290½. '05 ch.279, 18 Mr
- b Cal. Corp. not to act in fiduciary capacity unless having paid-up capital of \$100,000. Adds §25 to '03 ch.266. 7§ '05 ch.296, 20 Mr

BANKING

- c Ind. Loan & trust or safe deposit co. may reduce capital stock with consent of State Auditor; limit in certain cities. 3§
'05 ch.121, 4 Mr
- d Mass. "An act rel. to increase of capital stock by trust co." 1§
'05 ch.189, 17 Mr
- e Mass. Amdg. R.L.ch.116 §30: receiver of insolvent trust co. may with consent of Supreme Court enforce stockholder's liability. 1§
'05 ch.228, 28 Mr
- g Minn. State Treasurer [Auditor] to have custody of security deposited by annuity, safe deposit & trust co. 4§ '05 ch.49, 21 Mr
- h N. M. Amdg. '03 ch.52 §3 subdiv.8, §22 rel. to investments & reincorp. of trust co. 3§ '05 ch.78, 15 Mr
- i N. Y. Amdg. banking law '92 ch.689 §156 subdiv. 6: trust co. may by court order act as guardian, receiver or trustee of minor's estate [with annual income of \$100]. 1§ '05 ch.414, 16 My
- j Okl. Amdg. '01 ch.11 art.5 §4, 15, '97 ch.9 art.2 §4 rel. to trust & guaranty co. powers; deposit of \$50,000 [\$200,000] in cash or certain securities with Treasurer of Territory; common law rule rel. to surety not to apply. 5§ '05 ch.10 art.3, 15 Mr
- k S. D. Organization, powers & control of trust co. 24§
'05 ch.74, 10 Mr
- m Wis. Amdg. S.'98 §1791d, 1791e, 1791i rel. to trust co.: reports; forfeitures; exam.; falsifying records; transaction of business. Adds §1791i subdiv.1-5. 8§ '05 ch.504, 20 Je
- n Wy. "An act creating abstract, loan, & real estate corporations . . . to act as receivers, trustees, administrators, executors & guardians." 5§ '05 ch.60, 20 F

1703 Investments. Reserves

- a Mass. Amdg. '04 ch.374 §7 rel. to reserve of trust co. 1§
'05 ch.331, 25 Ap
- b Vt. Amdg. S. §4096: trust co. may invest 80% [70%] of capital & surplus in real estate mortgages; 60% [50%] outside state. 1§
'04 ch.98, 8 D

1705 Officers

- a Vt. Amdg. S. §4103: loans by trust co. to officer *at one time* not to exceed 5% of stock; *exception if made on security provided in S. §4096, 4101.* 1§
'04 ch.99, 6 D

1708 Savings banks

- a Ct. Consolidation of savings banks. 9§ '05 ch.156, 21 Je
- b N. Y. Amdg. banking law '92 ch.689 §131: restricting use of "savings" to savings bank or building & loan co. 1§ '05 ch.564, 19 My

1712 Deposits

- a Cal. Savings inst. must report biennially to Bank Com'r accounts without draft or deposit for 10 yrs if depositor is not known to be living. Rep.'93 ch.154, '97 ch.29 & adds C.C. §583b. 3§
'05 ch.430, 21 Mr

Investment companies

1712-15

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1905

- b N. H. Lost or destroyed savings bank book to be advertised 3 mo. before reissue; procedure on refusal or adverse claims. 3§
'05 ch.45, 8 Mr
- c N. H. Treasurer of savings bank or co. having savings dep't not to retain depositor's passbook more than 10 days except as collateral. 1§
'05 ch.56, 9 Mr
- d N. J. Savings bank may declare greater dividend on sums below than above \$1000. Supplements '76 ch.195. 1§ '05 ch.123, 11 Ap
- e Wash. Savings inst. to report annually accounts standing 10 yrs without draft or deposit unless depositor is known to be alive. 2§
'05 ch.129, 9 Mr

1713

Investments. Reserves

- a Me. Amdg. R.S.'03 ch.48 §23 ¶5, 6: investment of savings bank deposits in bonds or stock of domestic corp. *actually conducting in state business for which created.* 2§
'05 ch.103, 21 Mr
- b Me. Amdg. R.S.'03 ch.48 §24: savings banks may hold real estate *up to amount of reserve fund.* 1§
'05 ch.122, 21 Mr
- c Mass. Amdg. R.L. ch.113 §26 as to investments by savings banks in certain railroad bonds. 1§
'05 ch.250, 31 Mr
- d Mich. Amdg. '87 ch.205 §27, 52 rel. to investments of savings bank deposits: Com'rs to pass on securities. Adds §67. 3§
'05 ch.262, 16 Je
- e N. H. Amdg. '01 ch.114 §1 ¶18 as to investment of savings bank funds in railroad stock. 1§
'05 ch.75, 9 Mr
- f N. H. Amdg. '01 ch.114 §1 ¶9 as to investment by savings bank in mun. bonds. 1§
'05 ch.81, 9 Mr
- g N. Y. Amdg. banking law, '92 ch.689 §116 subdiv.5-6 rel. to securities in which deposits in savings bank may be invested. 2§
'05 ch.401, 16 My
- h Vt. Amdg. S. §4096: savings banks may invest 80% [70%] of capital & surplus in real estate mortgages; 60% [50%] outside state. 1§
'04 ch.98, 8 D

1714

Officers

- a N. H. Amdg. P.S. ch.165 §18: treasurer of trust co. with savings bank dep't to give bond. 2§
'05 ch.32, 23 F

1715

Mortgage, loan and investment companies

- a Cal. Investment co. to deposit \$5000 cash or securities & semi-annually 10% of premiums from sale of bonds or certificates up to \$100,000; filing of articles of incorp.; reserve of 40% of sales of certificates; loans; dissolution. Adds P.C. §635a-l. 12§
'05 ch.163, 18 Mr
- b Ct. Amdg. G.S.'02 §2455 rel. to definition of investment co. 1§
'05 ch.252, 19 J1
- c Me. Sale on instalment plan of bonds & obligations by foreign corp.; license from bank examiner; security; supervision. 3§
'05 ch.73, 15 Mr

BANKING

- d **Mass.** Amdg. R.L. ch.73 §7, 8: penalty for issue or *redemption* of obligations without reference to amount paid, \$2000 [\$50 for each offense] or 1 yr in prison; receiver for guilty corp. 2§
'05 ch.454, 25 My
- e **Mich.** Amdg.'77 ch.205 §3, 8, 12, 13 rel. to loan ass'ns; actual capitalstock \$100,000 [\$50,000] invested in real estate securities; loans may be made on bonds and deeds of trust. 4§ '05 ch.82, 1 My
- f **Minn.** 3 or more persons may incorporate with \$100,000 capital to deal in mortgages on farms; powers, duties; supervision; fees. 26§
'05 ch.93, 31 Mr
- g **Mon.** Incorpor. of endowment & investment co. 17§
'05 ch.100, 7 Mr
- h **Wis.** Supervision & control of investment co. not under statutory regulation. Rep.'99 ch.216, '03 ch.374. 4§ '05 ch.219, 18 My

1718

Building and loan associations

The names of these organizations vary somewhat but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc., and in Massachusetts cooperative banks.

- a **Cal.** Rev.'93 ch.188 rel. to supervision, examination & licensing of building & loan & kindred ass'ns. 19§ '05 ch.504, 21 Mr
- b **Ct.** Amdg. G.S.'02 §4811: expenses of com'r of Building & Loan Ass'ns \$750 [\$500]. 1§ '05 ch.265, 19 JI
- c **Me.** Amdg. R.S.'03 ch.48 §76 rel. to incorp. of loan & building ass'ns. 1§ '05 ch.42, 8 Mr
- d **N. H.** Amdg. P.S. ch.166 §1, 4: approval of Bank Com'r required for incorp. of building & loan ass'n. 3§ '05 ch.30, 23 F
- e **N. J.** Court of Chancery to have jurisdiction over trustees of building & loan ass'n & proceedings. Supplements '03 ch.218. 2§
'05 ch.142, 13 Ap
- f **N. Y.** Amdg. banking law '92 ch.689, §195b rel. to expenses of building & mutual loan corp. 1§ '05 ch.673, 1 Je
- g **N. C.** Building & loan ass'n law. 28§ '05 ch.435, 4 Mr
- h **Okl.** Regulation & inspection of building & loan ass'ns. 16§
'05 ch.10 art.5, 15 Mr
- i **S. D.** Amdg. C.C. §837 rel. to scope of building & loan ass'n law. 2§ '05 ch.61, 8 Mr
- j **Wis.** Amdg. S.'98 §2014 subdiv.16: *not over* 1000 copies of bank examiners report on building & loan ass'ns to be printed. 1§
'05 ch.74, 11 Ap

1720 Inspection

- a **N. D.** Amdg. R.C.'99 §3218: State Examiner to examine building & loan ass'ns, 1 [2] or more times a yr. 1§ '05 ch.59, 11 Mr
- b **Vt.** Expense of computing reserve liability of domestic insurance co. to be paid from fees. 1§ '04 ch.104, 7 D
- c **Wis.** Amdg. S.'98 §2014 subdiv.13: Bank Examiner to make *annual* [biennial] exam. of mutual loan & building ass'ns. 1§
'05 ch.358, 12 Je

1721

Capital. Shares

- a **Cal.** Holder of share in land & building corp. may surrender it on 30 days written notice & receive subscription price & share of profits. Adds C.C. §638a & rep. §648½. 2§ '05 ch.565, 22 Mr
- b **N. Y.** Amdg. banking law '92 ch.689 §174: cooperative savings & loan ass'n may issue 10% of its capital in \$50 juvenile saving shares for exclusive benefit & control of minor; not chargeable with losses nor entitled to vote; ¼ regular dividends. 1§ '05 ch.604, 24 My
- c **N. Y.** Amdg. banking law '92 ch.689 §176 rel. to withdrawal of free shares of cooperative savings & loan ass'n. 1§ '05 ch.757, 3 Je
- d **S. C.** Amdg.'03 ch.42 §1: no fee to be charged on increase of capital stock of building & loan ass'n. 1§ '05 ch.449, 22 F
- e **S. D.** Amdg.C.C. §835: building & loan ass'n with assets of \$50,000 may issue guaranty or permanent stock; dividends. 2§ '05 ch.62, 10 Mr

1723

Foreign associations

- a **Nev.** Foreign building & loan society to pay annual license of \$100; annual report; supervision by Insurance Com'r. 5§ '05 ch.73, 13 Mr

1724

Loans. Investments

- a **Ari.** Amdg. R.S. '01 §835 as to security for loan of savings or loan ass'n to director or officer. 1§ '05 ch.13, 21 F
- b **Ga.** Amdg. C.'95 §2388: building & loan ass'ns may make loans on real estate situated in *county* [cities or towns & their suburbs] where ass'n is located. 2§ '05 p.83, 23 Ag
- c **N. J.** Building & loan ass'n may invest 5% of assets in building for its offices. Supplements '03 ch.218. 1§ '05 ch.221, 29 Ap

1727

Pawnbroking

See also 463, Usury; 1568, Junk and secondhand dealers

- a **Cal.** "An act fixing rates of interest & charges on loans on chattel mortgages on certain personal property . . . penalties . . ." 2§ '05 ch.354, 20 Mr
- b **Cal.** Amdg. Pen.C. §343: msdr. for pawnbroker to refuse to allow deputy of sheriff or chief of police to inspect register of pledges. 1§ '05 ch.508, 21 Mr
- c **Cal.** Corp. having \$50,000 capital may lend on security of personalty in sums under \$300; not to engage in banking; license bond; interest 1½% a month; reports; supervision; dividends; exceptions. 15§ '05 ch.550, 21 Mr
- d **Ct.** Rev. G.S. '02 ch.266 rel. to pawnbrokers. 9§ '05 ch.235, 13 Jl
- e **Del.** Licensing brokers in New Castle county to make loans under \$100, charging 5% additional to legal rate of 6%; copy of contract to be given to borrower; penalty. 9§ '05 ch.149, 29 Mr
- f **Mass.** An act to incorporate the Security Loan Ass'n. 10§ '05 ch.334, 26 Ap

- g **Mass.** Amdg. R.L. ch. 102 § 40 rel. to licenses of pawnbrokers & fees. 1§ '05 ch. 415, 18 My
- h **N. Y.** Amdg. '95 ch. 326 § 1: 5 persons may incorporate to lend money on personal property in *incorporated* city [city of 25,000]. 1§ '05 ch. 333, 26 Ap
- i **Tenn.** Penalty for lending money on personal property, wages or salaries or for buying wages or salaries without license. 18§ '05 ch. 109, 30 Mr

1732

Insurance

See also 500, Corporations; 844, Taxation of insurance companies

- a **Del.** Amdg. '01 ch. 99 § 4 rel. to certificate of incorp. of insurance co.: conditions required of stock & mutual co. 3§ '05 ch. 72, 16 F
- b **Del.** Amdg. '01 ch. 99 § 3-4 as to certificate of incorp. of insurance co.: assets of mutual fire insurance co.; conditions required of stock co. carrying on life, fire & *other* [accident] insurance. 3§ '05 ch. 74, 30 Mr
- c **Id.** Amdg. '01 p. 165 ch. 1 § 7, ch. 2 § 6, 19 rel. to insurance corp.: discriminations; capital stock, surplus & investments of foreign corp.; salary & allowance for clerk hire of State Insurance Com'r. 4§ '05 p. 255, 7 Mr
- d **Kan.** Amdg. G.S. '01 § 3381, 3385 rel. to licensing of insurance co. & penalty for breach of insurance laws. 4§ '05 ch. 270, 1 Mr
- e **Me.** Compilation of insurance laws to be issued. '05 r. 119, 21 Mr
- f **N. M.** Regulating business of insurance. Rep. C.L. '97 § 2115, 2117-20, 2122-26, 2128-35; '01 ch. 106. 31§ '05 ch. 5, 9 F
Amended. '05 ch. 39, 8 Mr
Amended. '05 ch. 70, 14 Mr
- g **Vt.** Amdg. S. § 4171 as to duties of Insurance Com'rs. 1§ '04 ch. 101, 16 N
- h **Vt.** Requirements for beginning business by domestic insurance co.; appointment of agents. 4§ '04 ch. 105, 3 D
- i **W. Va.** Insurance co. other than life & fire: paid-up capital & reserve fund of domestic corp.; fire insurance law to apply to domestic & foreign corp.; fraternal beneficiary societies & farmers home mutual fire insurance co. excepted. 4§ '05 ch. 37, 23 F
- j **Wis.** Amdg. S. '98 § 1972 rel. to fees of licensed insurance co.; exceptions. 1§ '05 ch. 90, 20 Ap
- k **Wis.** Amdg. '01 ch. 232 rel. to reinsurance co.; foreign co.; annual statement. 1§ '05 ch. 206, 16 My

1733 State department

- a **Minn.** Provision for continuing Dep't of Insurance; regulating compensation & fees. 9§ '05 ch. 229, 17 Ap
- b **Pa.** Salary of Deputy Insurance Com'r \$2500. 1§ '05 ch. 241, 4 My
- c **Wis.** Amdg. S. '98 § 1967: Insurance Com'r to give bond of \$100,000 [\$20,000] with 6 [2] sureties or *surety* co. 1§ '05 ch. 180, 8 My
- d **Wis.** Amdg. S. '98 § 1972b rel. to publication of annual report of Com'r of Insurance. 1§ '05 ch. 212, 16 My

- e Wis. Amdg. S.'98 §1971: Com'r of Insurance to publish annually list of corp. licensed to transact business in state; \$400 annual appropriation. 3§ '05 ch.451, 19 Je
 - f Wis. Amdg. S.'98 §1967: state to pay cost of surety bond not over $\frac{1}{4}\%$ of amount of bond. 1§ '05 ch.425, 20 Je
 - g Wis. Amdg. S.'98 §1967a: Com'r of Insurance may appoint additional clerks. 1§ '05 ch.503, 20 Je
- 1734 Examination. Report
- a Ct. Amdg. G.S.'02 §3493 rel. to fees to be paid by insurance co. 1§ '05 ch.7, 5 Ap
 - b Minn. Amdg. '95 ch.175 §74 as to publication of annual statement of condition of insurance co. 1§ '05 ch.248, 18 Ap
 - c Neb. Insurance co. created under laws of state to file *annual* [semiannual] statement with Auditor of State. Amdg. Ann. S.'03 §6440; rep. §6452. 3§ '05 ch.36, 4 Ap
 - d S. D. Amdg. C.C. §593 rel. to publication of yearly statement of insurance co. 2§ '05 ch.130, 8 Mr

1736

Agents

- a ~~N. Y.~~ N. Y. Insurance co. prohibited from making soliciting agent the agent of insured. Adds §59 to insurance law '92 ch.690. 1§ '05 ch.568, 19 My
- b N. C. Fire insurance co. not to limit com'n joint agent may receive from other co. 2§ '05 ch.424, 4 Mr
- c Vt. Fire policy of foreign insurance co. to be countersigned by resident agent. 1§ '04 ch.108, 10 D
- d Wis. Amdg. S. '98 §1976 rel. to unlicensed agents of insurance co.: certain companies excepted; prosecution by district atty. 1§ '05 ch.38, 27 Mr
- e Wis. Amdg. '99 ch. 190 §1: *individual* agent of foreign fire insurance co. to approve risk, & countersign policy & enter on record for state tax. 1§ '05 ch.166, 3 My
- f Wis. Amdg. S. '98 §1977 defining insurance agent: exceptions. 1§ '05 ch.353, 12 Je

1737

Amendment and extension of charter. Reorganization

- a N. Y. Amdg. insurance law '92 ch.690 §52 as to amdts. to charter of domestic insurance co. 1§ '05 ch.574, 19 My

1738

Brokers

- a N. H. License fee \$10 for fire insurance broker; broker's knowledge chargeable to co. Supplements P.S. ch.169. 3§ '05 ch.29, 22 F
- b N. C. Amdg. '03 ch.488 §1-2: nonresident fire insurance broker may be licensed on affidavit not to place insurance in state except through resident broker who may pay him com'n not exceeding 5% of premiums; license fee \$3 a yr. 2§ '05 ch.170, 13 F
- c Vt. Amdg. S. §4197 rel. to license to brokers to procure fire insurance in unauthorized co. 1§ '04 ch.102, 9 D

1739

Capital

- a Ct. Amdg. G.S. 02 §3626: Com'r of Insurance not to approve of fire insurance co. unless it has paid-up capital or *if mutual*, net cash assets of \$100,000. 1§ '05 ch.20, 19 Ap
- b Minn. Amdg. '95 ch.175 §29 rel. to capital required of insurance co. taking certain restricted risks. 1§ '05 ch.118, 7 Ap

1740

Combinations

- a Tenn. Fire insurance co. or representatives not to combine to maintain specific rates on property in state; penalty; State Insurance Com'r to investigate violations. 5§ '05 ch.479, 17 Ap

1741

Deposit of security. Reserve

- a Del. State Insurance Com'r to hold deposits of corp. organized in state, & doing business in other state where allowed to place deposits with proper officers of this state; withdrawal of securities; attachment of securities. 4§ '05 ch.73, 23 F
- b Ga. Amdg. C.'95 §2035: deposit of foreign fire & casualty co. with State Treasurer may be in county or mun. bonds of state. 2§ '05 p.75, 22 Ag
- c Ga. Amdg. C.'95 §2043: state life & accident insurance co. to make deposit with *State Treasurer* [Insurance Com'r or corp. approved by him]; withdrawing & replacing of securities. 2§ '05 p.76, 22 Ag
- d Ga. Amdg. C.'95 §2061: assmt. life insurance co. to deposit bonds of \$20,000 *par value & not under \$20,000* market value. 2§ '05 p.77, 23 Ag
- e Mass. "An act rel. to reserves of certain insurance co." 3§ '05 ch.287, 13 Ap
- f N. Y. Amdg. insurance law '92 ch.690 §86 rel. to reports of experience of insurance co. in business 10 yrs as basis for reserve; reserve in other co. 1§ '05 ch.113, 30 Mr
- g S. D. Title guaranty, employers liability & burglary insurance corp. to deposit not less than \$20,000 in securities with State Treasurer; powers & duties; foreign co. 7§ '05 ch.73, 8 Mr
- h Vt. Amdg. S. §4216 rel. to deposit of domestic insurance co. doing foreign business. 1§ '04 ch.107, 27 O

1742

Discrimination

- a Minn. Fire insurance co. not to discriminate in rates between risks of same class. 10§ '05 ch.331, 19 Ap
- b Wash. Prohibiting discrimination in rates by life insurance co. or payment of rebate or com'n except to agent; exceptions. 5§ '05 ch.178, 14 Mr

1743

Dissolution. Insolvency

- a Cal. Amdg. P.C. §602 rel. to insolvency of insurance co. 2§ '05 ch.327, 20 Mr

1746

Foreign companies

- a Del. Foreign insurance co. to appoint State Insurance Com'r as atty. to accept service of legal process. 4§ '05 ch.71, 13 Ap

- b Ind. Regulating admission of foreign casualty, surety & health^{co}. 1§ '05 ch.156, 6 Mr
- c Minn. Amdg. '95 ch.175 §97 as to certificate required of foreign insurance co. preliminary to beginning business. 2§ '05 ch.181, 15 Ap
- d N. D. Amdg. R.C. '99 §3128: Com'r of Insurance to revoke license of foreign corp. on removal of certain cases from state to U. S. court. 1§ '05 ch.124, 13 Mr

1747

Investments

- a Cal. Investment of funds by insurance co. Adds C.C. §421 & rep. §427. 2§ '05 ch.39, 3 Mr
- b Cal. Investment of capital & surplus of insurance co. Adds C.C. §421; rep. §427. 2§ '05 ch.470, 21 Mr
- c Ind. Amdg. '99 ch.28 §22 rel. to investment of funds of life insurance co. 1§ '05 ch.108, 4 Mr
- d Ind. Investment of funds of foreign insurance co. 1§ '05 ch.128, 6 Mr
- e Mich. Amdg. '69 ch.136 §8 rel. to investment of funds of fire & marine insurance co. 1§ '05 ch.155, 1 Je
- f N. D. Amdg. R.C. '99 §3094: capital & surplus of domestic insurance corp. may be invested in mortgages or bonds of any state in which authorized to do business. 1§ '05 ch.122, 27 F

1748

Liability. Actions against company

- a Neb. Amdg. Ann.S.'03 §1054: action against insurance co. may be brought in county where contract has been violated or is to be performed. 2§ '05 ch.171, 1 Ap

1751

Property

- a Cal. Amdg. C.C. §415 rel. to holding purchase & conveyance of real estate by insurance co. 1§ '05 ch.27, 24 F

1752

Policies

- a Cal. Amdg. C.C. §2541: mortgagee may satisfy warranties of insurance policy taken on property by mortgagor. 1§ '05 ch.458, 21 Mr

1754

Life and accident

- a Minn. Rev. '01 ch.178 providing for incorp. & regulation of life insurance co. on fixed premium plan. 28§ '05 ch.235, 17 Ap
- b Minn. Consolidation & reinsurance of domestic co. transacting life, accident or health insurance business. 6§ '05 ch.303, 19 Ap
- c S. D. Organization, powers & control of life insurance co. on the mutual fixed level premium plan. 40§ '05 ch.125, 9 Mr
- d Wis. Consolidation & reinsurance of domestic life, accident or health insurance co. 6§ '05 ch.170, 5 My
- e Wis. Amdg. S.'98 §1951: domestic life insurance co. may invest in certain mortgages; not to insure fire, marine, accident or live stock risks or to do banking business except as otherwise provided by law. 1§ '05 ch.263, 25 My

Actions against company. Liability

- Vt. Time limit to sue upon accident policy must be at least 1 yr.
1 § '04 ch. 106, § D

Agents, see 1736

Brokers, *see* 1738

Combinations, *see* 1740

Discrimination, *see* 1742

Investments, *see* 1747

Policy.	Application.	Rates
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- a Ct. Amdg. G.S.'02 §4548 rel. to life insurance policy for benefit of married woman: premium paid in fraud of creditor. 1§ '05 ch.52, 12 My
- b N. C. Life insurance co. may issue "registered" policy secured by deposits with Insurance Com'r. Adds §12-21 to '03 ch.536. 10§ '05 ch.504, 6 Mr
- c Tenn. Life insurance co., other than fraternal beneficiary ass'ns to print on face of policy words indicative of character of policy, approved by State Insurance Com'r. 3§ '05 ch.392, 14 Ap

Reinsurance. Reserve

- a Cal. Amdg. P.C. §634 rel. to deposit of security by life insurance
co. on registered policies. 1§ '05 ch.156, 18 Mr
b Ct. Rev. '03 ch.168 rel. to reserve of life & accident insurance co.
5§ '05 ch.272, 19 J1
c N. C. Amdg. '03 ch.536 §4: reserve of life insurance co. to be trust
fund for benefit of policy holders. 1§ '05 ch.410, 4 Mr
d Vt. Amdg. '02 ch.76 §2 as to use of certain mortuary tables in
computing reserve liability of insurance co. 1§ '04 ch.103, 30 N
e Wis. Amdg. S.'98 §1950 rel. to annual valuation of life insurance
policies: Com'r of Insurance to appoint actuary at salary of \$2400 &
assistant actuary at \$1500. 2§ '05 ch.519, 16 Je

Surplus. Dividends

- | | |
|---|--|
| a | Cal. Dividend of life insurance co. Adds C.C. §452 & rep. §431,
448. 3§ '05 ch.421, 21 Mr |
| b | Wis. Amdg. S. '98 §1952, rel. to disposition of surplus in mutual
life insurance co. 1§ '05 ch.448, 20 Je |

Mutual insurance

- a Cal. Amdg. C.C. §437: mutual life insurance co. to have capital stock of \$200,000 [\$100,000]. 1§ '05 ch.188, 18 Mr
- b Cal. Formation of mutual benefit or life ass'n; assmt. of members; bylaws. Adds C.C. §452a, 453. 2§ '05 ch.340, 20 Mr

Assessment companies

- a Cal. Life, health, accident & annuity or endowment insurance on
assmt. plan. Adds C.C. §453d-p. 13§ '05 ch.353, 20 Mr

- b N. Y. Amdg. insurance law '92 ch.690 §207-8 as to expense of management of life or casualty insurance corp. on cooperative or assmt. plan. 3§ '05 ch.569, 19 My

1761

Fraternal beneficiary societies

- a Ill. Amdg. '93 p.130 §12 rel. to suit by Atty. Gen. at instance of Com'r of Insurance to enjoin fraternal insurance co. from continuing to do business. 1§ '05 p.291, 16 My
- b Me. Adding §158 to R.S. '03 ch.49: fraternal benefit organizations doing business in state Feb. 28, 1889 defined. 2§ '05 ch.28, 28 F
- c Me. Adding to R.S.'03 ch.49: regulation & licensing of certain fraternal beneficiary ass'ns. 5§ '05 ch.80, 17 Mr
- d Mass. Foreign fraternal beneficiary corp. not to use name easily mistaken for that of domestic corp. 1§ '05 ch.315, 20 Ap
- e Mich. Amdg. '93 ch.119 §8 rel. to incorp. of fraternal beneficiary soc. 1§ '05 ch.3, 7 F
- f Mich. Amdg. '87 ch.187 §34, 37, 39 rel. to mutual benefit ass'ns: reserve; dissolution; insolvency. 4§ '05 ch.34, 29 Mr
- g Mich. Amdg. '03 ch.171 §8: ass'n not for profit to do no burial benefit insurance over \$200 [\$100]. 1§ '05 ch.68, 19 Ap
- h Neb. Amdg. C.L. '03 §2163-64 rel. to powers of certain fraternal orders. 3§ '05 ch.41, 23 Mr
- i Neb. Fraternal beneficial societies may consolidate or enter into reinsurance contract with other organizations; plan & financial statement to be approved by Auditor; $\frac{2}{3}$ vote of both ass'ns required. 3§ '05 ch.87, 28 Mr
- j N. Y. Amdg. insurance law '92 ch.690 §234 as to filing of const. & bylaws of mutual benefit fraternity with Insurance Com'r. 1§ '05 ch.567, 19 My
- k Tenn. Rev. '01 ch.113 rel. to organization & regulation of fraternal beneficiary ass'ns doing business of life insurance. 39§ '05 ch.480, 17 Ap
- m Wis. Annual report of fraternal & mutual beneficiary ass'ns. Adds S. '98 §1955g subdiv.31. 1§ '05 ch.357, 12 Je

1762

Accident, health and industrial insurance

- a Cal. Liability & loss reserve of accident insurance co. Adds P.C. §612a. 2§ '05 ch.327, 20 Mr
- b Del. Amdg. '87 ch.140: industrial life insurance co. to pay to State Insurance Com'r license fee of agent. 1§ '05 ch.75, 6 Ap
- c Fla. Rev. '03 ch.117 rel. to sick & funeral benefit insurance co. 11§ '05 ch.88, 5 Je
- d Ga. Defining & regulating industrial life insurance. 7§ '05 p.96, 22 Ag
- e Me. Amdg. R.S.'03 ch.49 §95 rel. to notice of injury to casualty insurance co.: *limit of less than 10 days to give notice of sickness invalid.* 1§ '05 ch.121, 21 Mr
- f Mich. Amdg. '81 ch.237 §3 rel. to computation of reserve fund of employers liability insurance co. 1§ '05 ch.137, 25 My

INSURANCE

- g **Neb.** Amdg. C.S.'03 §4008: mutual *foreign* accident ass'n or corp. exempt from requirement as to assets imposed on foreign insurance co. 2§ '05 ch.86, 1 Ap
- h **Neb.** Foreign accident, or sickness insurance co. conducted on assmt. plan, promising to pay funeral benefits not exceeding \$200 may be admitted to transact business. Adds §4082a to C.S.'03. 1§ '05 ch.89, 3 Ap
- i **Tex.** Amdg. '03 ch.111 §9 rel. to reserve fund of mutual assmt. accident insurance co. 1§ '05 ch.125, 15 Ap

1764

Fire and other casualty

See also 791, 2558, Insurance of public property; 1092, Fires; 1104, Fire limits; 1893, Forest fires; 2603, Fire department

- a **Ct.** Amdg. G.S.'02 §3501 rel. to report of fire & marine insurance co.: amount required to reinsure fire risks. 1§ '05 ch.9, 5 Ap
- b **Ill.** Exam. of casualty insurance co. by State Sup't; reserve. Adds §12a to '99 p.237. 1§ '05 p.288, 16 My
- c **Ill.** Fire insurance co. may insure extinguishing apparatus. 1§ '05 p.290, 16 My
- d **N. Y.** Amdg. insurance law '92 ch.690 §117 rel. to surplus & dividends of domestic fire insurance corp. 1§ '05 ch.251, 20 Ap
- e **Wis.** Casualty, credit, title & surety insurance co. to have paid-up capital of \$250,000 & to deposit \$250,000 to do business. Adds S. '98 §1966 subdiv.3ra. 1§ '05 ch.171, 8 My
- f **Wis.** Amdg. S.'98 §1920 as to reports of fire, inland navigation or transportation insurance co.: exceptions. 1§ '05 ch.181, 8 My
- g **Wis.** Amdg. S. '98 §1966 subdiv.49 rel. to license fees of casualty & suretyship insurance co. Rep. '03 ch.130, 413. 2§ '05 ch.510, 20 Je

Agents, *see* 1736

Brokers, *see* 1738

Combinations, *see* 1740

Discrimination, *see* 1742

1766

Foreign companies

- a **Ind.** Admission of foreign mutual fire insurance co. 2§ '05 ch.65, 2 Mr

Investments, *see* 1747

1767

Liability. Losses

- a **Fla.** Where personal property is totally destroyed & amount of loss is under amount of insurance, insurance co. to return to insured unearned premium. 2§ '05 ch.87, 16 My

1768

Lloyd's associations

- a **Minn.** Amdg. '95 ch.175 §85: Lloyd's ass'n may transact sprinkler leakage insurance. 2§ '05 ch.130, 11 Ap
- b **N. Y.** Reserve to be kept by Lloyd's & other individual fire underwriters; change of name. Adds §138-39, 162 to insurance law '92 ch.690. 3§ '05 ch.566, 19 My

1769

Policies. Rates

- a Me. Amdg. R.S.'03 ch.49 §4 ¶7 rel. to standard fire policy: notice of loss *within reasonable time* [forthwith]. 1§ '05 ch.158, 24 Mr
- b Mich. Com'n to draft standard fire policy, amend it when necessary & fix time when its use should be obligatory. '81 ch.149, 12 My
Unconst. Delegation of leg. authority. *King v. Concordia Fire Insurance Co.* 103 N.W. 616 (1905).
- c Mich. Rev.'81 ch.149 rel. to standard form of fire insurance policy. 6§ '05 ch.277, 16 Je
- d S. D. State Insurance Com'r to keep on file printed form for insurance policy of type of N. Y. standard policy. C.C. §664. *Unconst.* in so far as it delegates to Com'r power to prescribe form of policy which is leg. function. *Phenix Ins. Co. v. Perkins* 101 N.W. 1110 (1905).
- e S. D. Standard form of fire insurance policy. Rep. C.C. '03 §664-66. 4§ '05 ch.126, 10 Mr
- f Wis. Amdg. S.'98 §1945a: fire insurance co. *except domestic mutual co.* to attach applications to policies. 1§ '05 ch.51, 29 Mr
- g Wis. Amdg. S.'98 §1941 subdiv.64 ¶1: fire insurance policy to be countersigned by individual agent. 1§ '05 ch.102, 22 Ap

1769(5)

Reinsurance

- a Cal. Amdg. C.C. §428: fire or marine insurance co. must *at once* reinsure excess of single risk over $\frac{1}{10}$ capital. 1§ '05 ch.420, 21 Mr
- b Tex. Amdg. R.C.S.'95 art.3075 rel. to reinsurance by fire & marine insurance co.; agent's license to place excess insurance in unauthorized co.; report. Adds subdiv.2-6. 1§ '05 ch.80, 13 Ap

1770

Mutual companies

- a Ill. Organization & management of mutual casualty insurance co.: foreign corp. 26§ '05 p.293, 16 My
- b Kan. Amdg. '85 ch.130 §1-2, 4-6 rel. to guarantee fund of mutual fire & tornado insurance co. Rep. §3. 6§ '05 ch.273, 25 F
- c Kan. Amdg. G.S.'01 §3481 rel. to classification of property insurable by mutual fire insurance co. 2§ '05 ch.274, 25 F
- d Mich. Reorganization & extension of mutual fire insurance co. when charter expires. Adds §24 to '73 ch.82. 1§ '05 ch.2, 4 F
- e Minn. Amdg. '95 ch.175 §36 rel. to issue of policies by mutual fire insurance co. 1§ '05 ch.117, 7 Ap
- f Mon. Organization of mutual hail or fire insurance co. 14§ '05 ch.58, 2 Mr
- g Neb. Amdg. Ann.S.'03 §6416 rel. to notes deposited with mutual insurance co.: establishment of guaranty fund by co. doing city business. '05 ch.84, 2 Mr
- h Neb. Amdg. Ann.S.'03 §6507, 6515 rel. to mutual fire, lightning & tornado co.: amdt. of charter; limit of territory. 3§ '05 ch.88, 29 Mr
- i Neb. Amdg. C.S.'03 §3942: mutual fire, lightning & tornado co. may insure grain & hay in stack on cultivated land. 2§ '05 ch.85, 3 Ap

INSURANCE

- j N. J. Incorp. of mutual agricultural insurance co. Supplements
'02 ch.134. 3§ '05 ch.252, 2 Je
- k N. Y. Amdg. insurance law '92 ch.690 §261, 264, 266, 271, 278 rel.
to incorp. & powers of town' or county cooperative fire or burglary
insurance co. 5§ '05 ch.217, 18 Ap
- m S. D. Amdg. '03 ch.163 §1: recovery barred on note not having
"nonnegotiable" written across it, when taken by mutual fire &
casualty insurance co. in payment of premium. 2§ '05 ch.128, 27 F
- n Tex. Incorp. of printers mutual fire & storm insurance ass'n. 3§
'05 ch.116, 15 Ap
- p Wash. Amdg. '03 ch.97 §2 as to issue of policy outside city or
town by mutual fire insurance co. 1§ '05 ch.71, 6 Mr
- q Wis. Amdg. '03 ch.229 rel. to division of assets of mutual fire
insurance co. reincorporating as stock corp. 5§ '05 ch.107, 22 Ap
- r Wis. Amdg. S '98 §1941 subdiv.7 as to contingent funds of city
& village mutual fire insurance co. 1§ '05 ch.196, 12 My

1771 County companies

- a N. D. Amdg. R.C. '99 §3134 rel. to organization of county mutual
insurance co. 1§ '05 ch.121, 2 Mr
- b S. D. Amdg. C.C. §635: director of county mutual insurance co.
to hold office 3 [1] yrs; officers 1 yr; directors to elect vice presi-
dent; $\frac{1}{3}$ of directors to go out of office every year. 1§ '05 ch.129, 11 F

1772 Township companies

- a Ill. Amdg. R.S. '74 ch.73 §72: township co. may insure live stock,
harness or vehicle temporarily removed 25 m. from territory. 1§
'05 p.305, 13 My
- b Ill. Amdg. '81 p.101 §1, '95 p.177 §1: township insurance co.
may extend to include 25 [12] townships. 1§
'05 p.304, 16 My; '05 p.305, 16 My
- c Minn. Amdg. '75 ch.83 §2 rel. to election of officers of town
insurance co. 1§ '05 ch.284, 19 Ap
- d Minn. Township fire insurance co. in same county may consolidate.
3§ '05 ch.312, 19 Ap
- e Wis. Amdg. S '98 §1931: town insurance co. may insure black-
smith shops. 1§ '05 ch.36, 27 Mr

1773 Miscellaneous casualty

- a Mich. Fire & marine insurance co. may insure against lightning,
wind & water. 2§ '05 ch.154, 1 Je
- b Wis. Amdg. S. '98 §1941 subdiv.40 rel. to reports of retail lumber
dealers insurance ass'ns. 1§ '05 ch.356, 12 Je

1777 Boilers

- a Mass. "An act to authorize certain employers liability co. to in-
sure against damage by steam boiler explosions." 2§ '05 ch.401, 12 My

1787 Hail and cyclone

- a Mich. Amdg. '85 ch.6 §1 as to kind of property insurable by
cyclone mutual insurance co. 1§ '05 ch.5, 13 F

Surety and guaranty

1787-95

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- b Wis. Amdg. S.'98 §1966 subdiv.1 as to annual financial statement of foreign hail insurance co., to be filed with Com'r of Insurance.

'05 ch.106, 22 Ap

- c Wis. Amdg. S. '98 §1966 subdiv.8 as to kind of property insurable by mutual hail, tornado, cyclone & hurricane insurance co. 1§

'05 ch.195, 12 My

1789

Live stock

- a Id. Incorpor. & regulation of live stock insurance co. 14§

'05 p.150, 10 Mr

- b Mich. Amdg. '89 ch.269 §15 rel. to farm stock life insurance: investigation; reserve fund. 1§

'05 ch.153, 1 Je

- c N. D. Organization of mutual insurance co. to insure pure bred live stock; \$30,000 subscribed insurance required. 6§

'05 ch.123, 1 Mr

- d S. C. Amdg. C.C. §1796: live stock insurance co. need not deposit collateral security with state if capitalized at \$5000 & renders sworn annual report of condition. 1§

'05 ch.417, 22 F

- e Wash. Incorporation & regulation of live stock insurance co. 12§

'05 ch.40, 27 F

1791

Plate glass

- a Wis. Organization of Mutual Plate Glass Insurance Co. 9§

'05 ch.55, 29 Mr

1795

Surety and guaranty companies

See also 1698, Trust companies

- a Ct. Amdg. G.S.'02 §3653: surety co. reserve fund to equal 50% of gross amount of premiums. 1§

'05 ch.3, 30 Mr

- b Ct. Amdg. G.S.'02 §3641 rel. to issuance of license to surety co.: statement by co.; capital \$250,000. 1§

'05 ch.8, 5 Ap

- c Id. Amdg. '99 p.337 §2, 3, 8, 9, 12 & rep. §10 rel. to surety co.: resident agent; annual financial statement; deposit of securities; fees; acceptance on bonds; supervision by *State Insurance Com'r* [Sec. of State]. 7§

'05 p.394, 8 Mr

- d Kan. Regulating domestic & foreign fidelity, surety & guaranty co. Rep. '95 ch.73 §2-4. 7§

'05 ch.159, 18 F

- e N. Y. Amdg. insurance law '92 ch.690 §70: after June 1, 1905 insurance co. unless previously authorized not to combine indemnity from loss through giving credit with other line of insurance. 1§

'05 ch.573, 19 My

- f Wis. Amdg. S.'98 §1974 as to penalty for failure of surety corp. to fulfil conditions of undertaking given to stay judgment against insurance co., on affirmance on appeal. 1§

'05 ch.167, 3 My

- g Wis. Casualty, credit, title & surety insurance co. to have paid-up capital of \$250,000 & to deposit \$250,000 to do business. Adds S. '98 §1966 subdiv.31a. 1§

'05 ch.171, 8 My

- h Wis. Amdg. S.'98 §1966 subdiv. 49 rel. to license fees of casualty & suretyship insurance co. Rep. '03 ch. 130, 413. 2§

'05 ch. 510, 20 Je

1796

Acceptance on bonds*See also 467, Suretyship*

- a **Me.** Amdg. R.S.'03 ch.98 §10: surety co. may go on replevin bond. 1§ '05 ch. 23, 28 F
- b **Mon.** Msdr. to require employee to give bond of corp. not authorized to transact business in state; bond void. 4§ '05 ch.11, 9 F
- c **Tenn.** Amdg. '95 ch.175 §9 rel. to conditions precedent for acceptance of surety co. on bonds, undertakings etc.; deposits required of foreign co. 1§ '05 ch.360, 12 Ap
- d **U.** Amdg. R.S.'98 §425 rel. to loan ass'n acting as *sole* surety. 1§ '05 ch.75, 9 Mr
- e **U.** Amdg. '99 ch.65 §3 as to effect of certificate of Sec. of State to corp. qualified to act as surety. 1§ '05 ch.123, 17 Mr
- f **Vt.** Amdg.'98 ch.77 §1 rel. to foreign fidelity co. as surety on probate bond. 2§ '04 ch.109, 9 D

1800

Navigation. Waterways*See also 1139, Steamboats (safety); 1384, Canals; 1388, Ferries and fords; 1393 Bridges*

- a **Cal.** Amdg. C.C. §970: state rules of navigation subordinate to those of U. S. [prescribed by acts of Cong. Aug. 3, 1852 & Ap. 29, 1864]. 1§ '05 ch.441, 21 Mr
- b **R. I.** Term of com'n appointed by '03 r.9 to investigate shipping interests of state in Providence harbor & Narragansett bay, to be extended to 1906. '05 r.92, 11 My

1803

Harbors

- a **Me.** Amdg. R.S.'03 ch.4 §101: mun. authorities *shall* [may] make rules for keeping harbors open. 1§ '05 ch.60, 15 Mr
- b **N.Y.** Rep. navigation law '97 ch.592 art.4 which provided for office of Harbor Master for port of Albany. 1§ '05 ch.505, 17 My
- c **Wis.** Improvement of harbor situated within city with U. S. aid. 6§ '05 ch.97, 21 Ap

1804

Wharves. Docks. Piers. Wharf lines

- a **Wis.** County, town, village or city, except of 1st class, may construct & repair breakwaters & protection piers. Adds S. '98 §959 subdiv.71-78. 8§ '05 ch.293, 3 Je

1805

Improvement of waterways (general)*See also 2676, Sewerage*

- a **Ill.** Internal Improvement Com'n to be appointed to investigate projection of deep waterway from Lake Michigan to Gulf of Mexico; \$7000; report to Leg. by 1907, \$7000. '05 p.40, 16 My
- b **N. J.** City may incur bonded debt of \$200,000 for clearing river above tide water. 13§ '05 ch.244, 22 My
- c **Pa.** Appropriating \$375,000 to deepen & improve Delaware river from Philadelphia to Delaware bay. 1§ '05 ch.243, 8 My

1812

Obstructions

- a Okl. "An act for the removal of obstruction from water courses." 8§ '05 ch.34 art.1, 11 Mr
- b Wis. City & village may remove boat or float obstructing waterway; cost of removal to constitute lien. 2§ '05 ch.279, 1 Je

1815

Protection and aids to navigation

- a Cal. Amdg. Pen.C. §609: msdr. to remove, *damage or destroy* buoy or beacon. 1§ '05 ch.527, 21 Mr
- b N. H. Penalty for mooring or injury to U. S. beacons, buoy or floating raft in navigable waters. 2§ '05 ch.113, 10 Mr
- c S. C. Msdr. to interfere with aid to navigation supplied by U. S.; to anchor on range line of light or to fail to report shifted mark. 3§ '05 ch.459, 18 F

1816

Pilotage. Towage. License of pilots

- a Cal. Amdg. P.C. §2466, 2468 rel. to rates of pilotage at San Francisco. '05 ch.611, 22 Mr

1817

Police

- a Ga. Captain of passenger steamboat to have power of police officer. 3§ '05 p.113, 23 Ag

1820

Wrecks

- a N. C. Amdg. '99 ch.79 §17, 25: Com'rs of Wrecks to receive traveling expenses; msdr. to obstruct com'r in his work. 2§ '05 ch.66, 30 Ja
- b N. C. Amdg. C. §3856: Com'r of Wrecks may sell damaged property after 5 [10] days advertising. 1§ '05 ch.517, 6 Mr

1826

Agriculture

See also 956, 1466, Adulteration; 1144, Communicable diseases of animals; 1427, Agricultural products (weights and measures); 1474, Fertilizers; 1588, Veterinary practice; 2343, Agricultural schools

- a Col. Amdg. G.L.'77 §44: State Bd of Agric. to receive traveling expenses; may vote president annual salary of \$200. 1§ '05 ch. 133, 10 Ap
- b Ct. Amdg. G.S.'02 §4371: annual appropriation to State Bd of Agric.: \$2500 [\$3500]. 1§ '05 ch.129, 7 Je
- c Ga. Amdg. C.'95 §1791: salary of clerk of Com'r of Agric. \$1800 [\$1200]. 2§ '05 p.73, 21 Ag
- d Mich. Amdg. '99 ch.44 §7 rel. to report of State Bd of Agric. 1§ '05 ch.93, 4 My
- e Mich. Amdg. '61 ch.188 §1 rel. to State Bd of Agric.: 7 [6] members; term, 6 years; appointment. 1§ '05 ch.308, 17 Je
- f N. C. Bd of Agric. may fix salary of com'r not to exceed \$2150. 1§ '05 ch.529, 6 Mr
- g Okl. Bd of Agric. to meet 3d Tuesday in Jan. at capital to elect members, organize & elect officers. 3§ '05 ch.2, 11 Mr

1828

Experiment stations

See also 2343, Agricultural schools

- a Cal. Univ. of Cal. to conduct experimental & research work in viticulture & as to remedy for pear & walnut blight; publication of results. 3§ '05 ch.122, 18 Mr
- b Cal. Appropriating \$10,000 for experiments at Univ. of Cal. with improved methods of cereal culture; publication of results. 3§ '05 ch.126, 18 Mr
- c Cal. Com'n of 5 to select & purchase farm for use of Univ. of Cal. \$150,000; buildings; course of instruction; experimental work. 5§ '05 ch.129, 18 Mr
- d Cal. Establishing pathologic laboratory in southern Cal. to investigate tree & plant diseases & pests & branch agricultural experiment station; \$30,000. 7§ '05 ch.278, 18 Mr
- e Ind. Appropriating \$5000 & \$25,000 annually to Purdue Univ. for experiments in stock raising & farming; reports; advisory bd of 3 appointed by agricultural societies. 3§ '05 ch.79, 3 Mr
- f Nev. Establishing Agricultural Experiment Farm; com'n to locate site in semitropical southeastern Nev.; supervision by bd of control of Nev. Agricultural Experiment Ass'n. '05 ch.39, 2 Mr
- g N. D. Establishing Agricultural Experiment Station near Dickinson on donation of site; \$10,000. 3§ '05 ch.21, 2 Mr
- h Pa. Appropriating \$20,000 for erection of experiment station under direction of Live Stock Sanitary Bd, to study diseases of animals. 2§ '05 ch.427, 11 My
- i S. D. Appropriating \$16,000 for experiment farm at Brookings to be under State College of Agriculture. 3§ '05 ch.18, 6 Mr
- j U. Establishing Central Utah Experiment Station & placing it & Southern Utah Experiment Farm under direction of *Agricultural College Experiment Station* [State Bd of Horticulture] Rep. '99 ch. 85. 10§ '05 ch.132, 18 Mr
- k Wis. Regents of State Univ. may have experimental work in agric. done at various points in state. 1§ '05 ch.53, 29 Mr
- m Wis. Agricultural Experiment Station to expend \$1500 or more a yr for 3 yrs in tobacco experiments. 1§ '05 ch.384, 17 Je
- n Wis. Agricultural Experiment Station to experiment with cranberry culture; free bulletins & reports; annual expenditure \$3000 or more for 3 yrs. 4§ '05 ch.438, 19 Je

1829

Farmers institutes. Reading courses. Lectures

- a Cal. Appropriating \$12,000 to Univ. of Cal. for holding farmers institutes. 3§ '05 ch.251, 18 Mr
- b Neb. County com'rs may appropriate \$100 a year for local expenses connected with farmers institutes. 4§ '05 ch.3, 25 Mr
- c N. D. Amdg. '01 ch.172 §2, 4: 50 [40] or more farmers institutes to be held annually; \$6000 [\$8000] annual appropriation. 3§ '05 ch.23, 15 Mr
- d Or. Appropriating \$2500 annually for agricultural institutes for popular instruction by State Agricultural College. 2§ '05 ch.34, 6 F

- e S. D. County having farmers institute may contribute \$200 for expenses of annual meeting. 2§ '05 ch.109, 3 Mr
- f S. D. Provision for farmers institutes; \$5000 annual appropriation. 6§ '05 ch.110, 3 Mr

1832

Statistics. Weather and crop service

- a Cal. County supervisors to report annually statistics of agricultural & industrial production to State Agricultural Soc. Adds \$66a to '97 ch.277. 1§ '05 ch.375, 20 Mr
- b Mich. Sec. of State to publish agricultural statistics. Rep. C.L. '97 §4621-25. 3§ '05 ch.81, 1 My
- c N. Y. Com'r of Agric. to collect & publish reports in aid of agricultural production; town supervisor to furnish required data. Adds art.14 to agricultural law '93 ch.338. 2§ '05 ch.243, 20 Ap
- d Okl. County assessors to collect statistics for State Bd of Agric. Rep. '01 ch.2 art.1 §6. 6§ '05 ch.31 art.2, 13 Mr

1835

Associations. Fairs

See also 881, Racing

- a Ct. Prohibiting immoral shows in fair building of Agricultural Soc. Amds. G.S.'02 §4401. 1§ '05 ch.79, 19 My
- b Ct. Amdg. G.S.'02 §4399: \$4500 [sum equal to average paid during preceding 4 years] to be distributed annually among incorporated agricultural societies in proportion to premiums given at fairs; proviso. 1§ '05 ch.176, 29 Je
- c Ct. Penalty for maintaining gambling or immoral place at or near agricultural fair. Amds. G.S.'02 §4403. 1§ '05 ch.191, 29 Je
- d Ct. Amdg. G.S.'02 §4402 rel. to forfeiture of appropriation to agricultural fair. 1§ '05 ch.199, 29 Je
- e Id. Amdg. R.S.'87 §2778: annual appropriation by county com'rs not exceeding $\frac{1}{2}$ mill levy [\$500] for county fair ass'n; provisos. 1§ '05 p.350, 11 Mr
- f Ind. Corp. owning 50 acres devoted to county fair may issue 4% nontaxable mortgage bonds to 75% of value of unimproved portion; retirement. 3§ '05 ch.102, 4 Mr
- g Ind. County may appropriate 1c on each \$100 valuation of taxable property for county fair. 2§ '05 ch.104, 4 Mr
- h Kan. Penalty for trespass on agricultural fair grounds during meeting or public entertainment. 3§ '05 ch.207, 9 Mr
- i Neb. Amdg. Ann.S.'03 §3019 rel. to county aid to County Agricultural Soc. 2§ '05 ch.2, 1 Ap
- j Neb. Amdg. C.S.'03 §442: county agricultural societies receiving county aid may exchange, sell or acquire real estate for fair ground purposes. 2§ '05 ch.1, 4 Ap
- k N. C. Amdg. C. §2222: shows licensed to perform at county fair exempt from taxation during fair time; state appropriation to aid county fair \$100 [\$50]. 2§ '05 ch.513, 6 Mr
- m Or. Establishing Third Eastern Oregon District Agricultural Soc. 9§ '05 ch.11, 3 F

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- n Or. Establishing Fourth Eastern District Agricultural Soc. & reestablishing the soc. of 1st district; duties & powers. 10§
'05 ch.67, 11 F
- p Wis. Amdg.S.'98 §1463, 1464 so as to render state aid to agricultural fairs definite & uniform; apportionment of money. Rep. §1458c-d, '01 ch.337. 4§
'05 ch.446, 19 Je

1836 Dairymen's associations

- a Ct. Amdg. C.S.'02 §141: annual grant to County Dairymen's Ass'n \$1500 [\$1000]. 1§
'05 ch.119, 6 Je

1838 Horticultural societies

- a Minn. 5000 copies of report of State Horticultural Soc. to be published & distributed annually. 2§
'05 ch.224, 17 Ap

1840 State associations and fairs

- a Ari. Establishing territorial fair for annual exhibition of resources; \$15,000 for construction of buildings; \$7500 annual appropriation. 9§
'05 ch.64, 16 Mr
- b Cal. \$60,000 to Cal. State Agricultural Soc. for construction of state fair buildings & grounds; pools, betting & gambling prohibited. 8§
'05 ch.595, 22 Mr
- c Minn. Amdg.'03 ch.126 §3: com'rs of county having no agricultural soc. or street fair ass'n may send delegate to State Agricultural Soc. 1§
'05 ch.307, 19 Ap
- d N. D. Establishing annual state fair to be held alternately at Grand Forks or Fargo; \$10,000 annual appropriation. 13§
'05 ch.46, 14 Mr
- e Or. Amdg. Ann.C. & S. §4166, 4174-75 rel. to appropriations to various agricultural societies; "First Southern Soc." organized. 3§
'05 ch.207, 22 F
- f S. D. State Agricultural College to exhibit live stock & agricultural products at state fair & send at least 2 professors to explain. 2§
'05 ch.8, 1 Mr
- g S. D. Appropriating \$5000 for building at Mitchell to promote live stock & agricultural interests of state by providing place for sales & exhibitions. 4§
'05 ch.12, 3 Mr
- h Wy. Providing for annual state fair at Douglas & regulating management thereof. 14§
'05 ch.48, 18 F

1844 Horticulture. Diseases and pests

See also 1492, Insecticides; 1496, Seeds; 1630, Encouragement of industries; 2383, Biology

- a Cal. Msdr. to knowingly sell tree, seed, plant or vine falsely named as to variety & kind. 1§
'05 ch.50, 3 Mr
- b Cal. Appropriating \$12,000 to State Horticultural Com'n to search for beneficial insects. 3§
'05 ch.200, 18 Mr
- c Cal. Amdg.'81 ch.75 §1-2 rel. to county bd of horticulture; destruction of noxious weeds & infected plants. 2§
'05 ch.293, 20 Mr

- d Cal. Amdg.'03 ch. 379 §1: Com'r of Horticulture may appoint *sec.* [clerk]; salary \$2100 [\$1500]; qualifications & duties. 1§
'05 ch.388, 20 Mr
- e Fla. Providing for appointment of Horticultural Com'n for Orange county. 7§
'05 ch.180, 27 My
- f Ind. Msdr. to sell fruit tree under false description. 3§
'05 ch.154, 6 Mr
- g Me. Protecting trees and shrubs from introduction and ravages of insects and diseases. Rep.'03 ch.112. 8§
'05 ch.29, 28 F
- h Me. Cities & towns may raise money for extermination of brown tail & gypsy moths & other insect pests. 1§
'05 ch.96, 21 Mr
- i Mich. Felony to injure or remove ginseng. 1§
'05 ch.74, 26 Ap
- j Mich. Prevention of contagious diseases affecting trees, shrubs etc. Rep. C.L.'97 §§5681-706, '03 ch.206. 22§
'05 ch.91, 4 My
- k Mon. Amdg.'99 p.36 §1-2 rel. to State Bd of Horticulture; horticultural districts. 3§
'05 ch.83, 3 Mr
- m N. H. Cities & towns may appropriate money for extermination of insect pests. 1§
'05 ch.18, 15 F
- n N. J. Amdg.'87 ch.76 §3, 10 rel. to salaries & expenses of State Bd of Agric.; experiments with diseases & pests. 2§
'05 ch.96, 5 Ap
- p N. M. County com'rs to make levy for support of Bd of Horticultural Com'rs. 2§
'05 ch.53, 13 Mr
- q N. C. Lawful to dig ginseng for replanting at any time; felony to steal plants in bed surrounded by lawful fence. 2§
'05 ch.211, 17 F
- r N. C. Rep.'97 ch.264 §5-6 which appropriated \$500 a yr to Crop Pest Com'n & required report to Leg. 2§
'05 ch.403, 4 Mr
- s Okl. Prevention of horticultural pests & diseases: sale, inspection, transportation & importation of nursery stock; supervision by Bd of Agric. 12§
'05 ch.5, art.1, 13 Mr
- t Or. County fruit inspector to be appointed on petition of 25 resident growers. Amds. Ann. C. & S. §4178, 4185. 7§
'05 ch.222, 22 F
- u Pa. Annual inspection of nurseries to prevent spread of plant diseases & pests; treatment & destruction of infected stock; appeals to Sec. of Agric; certificates. 11§
'05 ch.60, 31 Mr
- v S. D. "An act to prevent introduction & spread of injurious insects & dangerous plant diseases. . ." 5§
'05 ch.131, 6 Mr
- w Tenn. Gen. law regulating inspection of nursery stock to suppress horticultural pests & plant diseases. 17§
'05 ch.466, 17 Ap
- x Tex. Diseased trees, shrubs & plants: treatment by Com'r of Agric.; msdr. to ship nursery stock into state without certificate. 7§
'05 ch.121, 15 Ap
- y U. Rev.'03 ch.104 rel. to prevention of horticultural pests & diseases. 21§
'05 ch.98, 9 Mr
- z Vt. Appropriating \$500 annually to State Horticultural Soc. for annual meeting for public instruction & prizes for horticultural exhibits. 6§
'04 ch.15, 9 D
- zi Wash. Amdg.'03 ch.133 §4-8, 12, 14-15 rel. to county inspector of fruit; licenses; treatment of infected trees; reports. 9§
'05 ch.176, 13 Mr

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- 22 W. Va. Amdg.'03 ch.48 & adding §3, 4 regulating sale of nursery stock: agent and traveling salesman to be licensed & show certificate from firm; sale of stock under fictitious name; penalty. 4§
'05 ch.61, 18 F
- 23 Wis. Prohibiting digging & sale of wild ginseng cut from Jan. 1 to Aug. 1. 5§
'05 ch.194, 12 My
- 24 Wis. Amdg. S.'98 §1459: \$4400 [\$4000] annual appropriation to State Horticultural Soc. 1§
'05 ch.412, 17 Je
- 25 Wy. Suppression of horticultural pests & plant diseases. 23§
'05 ch.50, 18 F
- 1846 **Boll weevil**
- a Ga. Amdg.'97 p.111 §17 prohibiting certain shipments from state infested with Mexican *cotton* boll weevil. 2§
'05 p.108, 22 Ag
- 1850 **Moths**
- a Mass. "An act to provide for suppressing gypsy & brown tail moth." Rep.'91 ch.210, '98 ch.544, §1, 2, '02 ch.57 §2. 12§
'05 ch.381, 8 My
- 1854 **Weeds**
- See also 2744, Roads
- a Or. Owners of ditches to keep right of way clear of wild oats, weeds, thistles & obnoxious grass. 3§
'05 ch. 158, 21 F
- 1856 **Noxious animals. Bounties**
- a Ari. Amdg. R.S.'01 §4209, 4211 rel. to bounty on certain animals. 3§
'05 ch.29, 9 Mr
- b Id. County bounty of \$15 for each cougar, lion or panther destroyed. 2§
'05 p.206, 7 Mr
- c U. Exam. & payment of outstanding bounty certificates. 5§
'05 ch.109, 16 Mr
- d Vt. Rep.'98 ch.110 & all other laws rel. to bounties on noxious animals. 1§
'04 ch.131, 27 O
- 1858 **Crows**
- a Kan. County may pay bounty of 5c for crow. 2§ '05 ch.74, 8 Mr
- 1862 **Gophers. Prairie dogs. Ground squirrels**
- a Kan. County com'rs on petition of 10 resident landowners may appoint road overseer to exterminate pocket gophers. 4§
'05 ch.319, 7 Mr
- b N. D. Amdg.'01 ch.107: county may levy $\frac{1}{2}$ [4] mill tax for destruction of prairie dogs and gophers; procedure. 2§ '05 ch.114, 13 Mr
- c Okl. Extermination of prairie dogs in infested districts: county com'rs may levy tax not exceeding 5 mills; township trustees to have charge. 9§
'05 ch.27 art.1, 13 F
- 1865 **Porcupines. Hedgehogs**
- a Me. Rep. R.S.'03 ch.32 §15 rel. to bounty on porcupines. 1§
'05 ch.8, 10 F

- b N. H. Rep.'03 ch.62 providing bounty on hedgehogs. 1§
'05 ch.44, 8 Mr
- 1870 Seals
- a Me. Amdg. R.S.'03 ch.41 §53 by rep. \$1 bounty on seal. 1§
'05 ch.67, 15 Mr
- 1872 Sparrows
- a Mich. Bounty for killing English sparrow. 5§ '05 ch.118, 11 My
- 1874 Wolves. Coyotes. Lynx. Wildcat. Bears etc.
- a Id. Rep.'01 p.205 which provided bounties for killing of coyotes, lynx & wildcats. 2§ '05 p.69, 8 Mr
- b Kan. Amdg.'99 ch.59 §1: county *may* [shall] pay bounty on wolf & coyote. 2§ '05 ch.73, 9 Mr
- c Me. \$5 bounty on bears in Franklin county. 1§ '05 ch.160, 24 Mr
- d Mich. Amdg. R.S.'46 ch.51 §1: bounty for killing wolf over 3 mo. \$25 [\$15]; under 3 mo. \$10 [\$7]. 1§ '05 ch.284, 17 Je
- e Mon. Amdg. P.C. §3070-72, 3076 rel. to bounty on wolf, coyote, bear or mountain lion. 5§ '05 ch. 49, 1 Mr
- f Mon. Destruction of wolves & coyotes by inoculation with mange. 5§ '05 ch.107, 10 Mr
- g Neb. Bounties for wolves, coyotes & wildcats. 4§ '05 ch.4, 1 Ap
- h N. M. Tax on certain domestic animals to pay bounty on coyote, wildcat, lynx, wolf & mountain lion. Rep.'03 ch.80 §1. 2§
'05 ch.77, 15 Mr
- i S. D. Amdg. P.C. §3113-15, 3121 rel. to wolf & mountain lion bounty. 2§ '05 ch.177, 3 Mr
- j U. Bounty for killing mountain lion, coyote, lynx & wildcat. Rep.'01 ch.137. 9§ '05 ch. 114, 16 Mr
- k Wash. Bounty on coyotes & wolves, lynx, wildcat or cougar. 7§
'05 ch.8, 2 6 Ja
'05 ch.63, 3 Mr
- Amended
- m Wis. Amdg. S.'98 §1626 rel. to bounty for killing wolf, wildcat or lynx. Rep.'99 ch'45, '01 ch.311. 2§ '05 ch.324, 9 Je
- n Wy. Bounty for coyotes & black & gray wolves. Rep.'03 ch.43. 14§
'05 ch.37, 15 F

1875 Domestic animals

See also 891, Racing; 896, Cruelty to animals; 961, Milk and milk products; 1083, Slaughter houses; 1144, Communicable diseases of animals; 1472, Commercial feed for stock; 1526, Stock yards; 1562, Horseshoeing; 1588, Veterinary practice

- a Ari. Rev. R.S. t.42 rel. to live stock. 93§ '05 ch.51, 16 Mr
- b Cal. Joint leg. com'n of 6 to investigate & report on cattle industry as affected by national forest reserves. '05 p.1074, 10 Mr
- c Ct. Amdg. G.S.'02 §4811: salary of Com'r of Domestic Animals \$1800 [\$1500]. 1§ '05 ch.248, 19 J1
- d S. C. Rep. C.C. §1507 which exempted certain counties from provisions of gen. stock law. 2§ '05 ch.481, 4 Mr

1876 Running. Impounding. Fences

1877 Running at large

- a Ari. Amdg. R.S.'01 §2651, 2656-59 rel. to lawful fence; impounding of estrays. Rep. R.S.'01 §2654-55. 7§ '05 ch.52, 16 Mr
- b Del. Rep. '93 ch.658 which exempted certain school districts from provisions of '93 ch.657 which prohibited stock from running at large. 1§ '05 ch.138, 13 Ap
- c Ga. Militia district in which stock law voted for & in force 9 yrs to have election "for stock law" or "for fence" on petition of majority of freeholders. 4§ '05 p.132, 22 Ag
- d Mo. Amdg. R.S.'99 §4789 rel. to vote of certain townships as to running at large of swine, sheep & goats. 1§ '05 p.46, 31 Mr
- e Mo. Either part of township divided by navigable stream may vote to restrain swine or sheep from running at large. Adds R.S. '99 §4789 a. 1§ '05 p.46, 8 Ap
- f N. C. Amdg. C. §2058 rel. to publication of notice of petition to place gate across public highway. 1§ '05 ch.88, 2 F
- g Or. Prohibiting running at large of certain domestic animals in Sherman county. Rep. Ann. C.& S.4248-58. 12§ '05 ch.223, 22 F
- h U. Msdr. not to provide salt for animal turned loose on public range. 2§ '05 ch.39, 7 Mr
- i Wash. Prohibiting live stock from running at large in county where $\frac{3}{4}$ land is fenced; exceptions. 6§ '05 ch.91, 8 Mr

1879 Estrays. Damages. Trespass

See also 1321, Railways

- a Ari. "An act to prohibit trespass by herding sheep." 3§ '05 ch.62, 16 Mr
- b Cal. Amdg. '01 ch.197 §2 rel. to notice to owner of estray & filing with recorder. 1§ '05 ch.338, 20 Mr
- c Fla. Regulating entry into pasture of another to recover stray cattle. 5§ '05 ch.46, 3 Je
- d Id. Disposal of estrays: damages & compensation; disposition of funds. 4§ '05 p.366, 11 Mr
- e N. M. Rep. '01 ch.28 §2 rel. to penalty for trespass of domestic animal on private land or water right. 1§ '05 ch.130, 16 Mr
- f N. D. Amdg. R.C. '99 §1572 rel. to taking up estrays; notice; advertisement. 1§ '05 ch.112, 9 Mr
- g Or. Amdg. Ann. C.& S. §4260 rel. to notice after taking up estray. 1§ '05 ch.176, 21 F
- h Wash. Detention; registration & sale of estray. 16§ '05 ch.23, 16 F

1880 Impounding

- a Ill. Amdg. '95 p.4 §3 rel. to impounding of domestic animals running at large. 1§ '05 p.5, 16 My
- b Mo. Amdg. R.S. '99 §4777: constable to impound estray; penalty for refusal. 1§ '05 p.47, 1 Mr

- c N. M. Amdg. '03 ch.73 §1 rel. to impounding of animal damaging crops. 1§ '05 ch.98, 16 Mr

1882 Ownership. Sale. Miscellaneous

- a Cal. Msdr. to allow service of stallion or jack in open within 400 yds of settlement or to permit stallion, bull, boar, ram or buck goat to run at large. Adds Pen.C. §597g. 1§ '05 ch.518, 21 Mr
- b Or. Horses & cattle to be inspected to determine ownership & certificate issued before removal from state; exceptions. 5§ '05 ch.124, 21 F
- c Wis. Licensing of stallions for breeding purposes; form of certificate. 9§ '05 ch.116, 22 Ap
- d Wy. Amdg. '01 ch.79 §5 rel. to proof of ownership of horse or mule offered for inspection. 2§ '05 ch.8, 4 F

1883 Branding

- a Id. Use & recording of marks & brands. 17§ '05 p.352, 7 Mr
- b Id. Inspection of live stock as to marks & brands prior to removal from state. 10§ '05 p.369, 8 Mr
- c N. M. Seizure & sale of cattle bearing unrecorded brand. 7§ '05 ch.95, 16 Mr
- d U. Amdg. R.S.'98 §4474: *grand larceny* to alter mark or brand on animal; penalty. 1§ '05 ch.38, 7 Mr

1884 Stealing. Driving. Using

- a N. M. Amdg.'99 ch.44 §2 as to exhibition of hides to inspectors by vender of fresh meat. 2§ '05 ch.14, 22 F
- b N. M. Felony to sell or knowingly buy animal held on shares without owners' consent; recorded contract constructive notice. 3§ '05 ch.38, 8 Mr
- c N. D. County may appropriate \$2000 annually to organized live stock protective ass'n; annual report by ass'n to county com'rs. 4§ '05 ch.80, 2 Mr
- d S. D. On petition of 25 cattle breeders county may appoint sheriff to act as beef and hide inspector; deputies; unlawful to sell uninspected meat or skins; certificates. 9§ '05 ch.57, 7 Mr
- e S. D. Rev.'03 ch.153 rel. to inspection of branded horses before shipment. 6§ '05 ch.120, 7 Mr
- f S. D. County com'rs may authorize sheriff to offer reward for capture of horse, sheep or cattle thieves. 1§ '05 ch.134, 7 Mr
- g Tex. Amdg. Pen.C.'95 art.883 rel. to penalty for theft of sheep or goat. 1§ '05 ch.13, 16 F
- h Wy. Amdg. R.S.'99 §2008-9 rel. to preservation & exhibition of hides of slaughtered animals to prevent fraud on owners. 2§ '05 ch.96, 21 F

1885 Pedigrees

- a Me. Pure blooded cattle kept for breeding purposes to be recorded, examined & tested with tuberculin. Supplements R.S.'03 ch.19. 4§ '05 ch.83, 17 Mr
- b Vt. Description & pedigree of breed stallion to be registered; \$100 fine for false certificate. Rep. S. §5153. 2§ '04 ch.150, 9 D

AGRICULTURE

- c Wis. Only certified corp. to keep books of registration & grant pedigrees of animals to be used for breeding purposes. 5§
'05 ch.68, 8 Ap

1886 Prevention of injury to stock

See also 1888, Dogs; 1321, Railroads

- a Mass. Amdg. R.L. ch.102 §152: reward for killing dog injuring domestic animal not more than \$25 [\$10]. 1§ '05 ch.106, 23 F
b Pa. Amdg.'93 ch.88 §5 rel. to damages to sheep by dogs: burial of carcasses. 1§ '05 ch.7, 1 Mr

1888

Dogs

See also 1163, Rabies

- a N. C. Rep.'75 ch.108 which penalized wilful keeping of sheep-killing dog or refusal of owner of mad dog to kill same. 1§
'05 ch.725, 4 Mr
b W. Va. Amdg. C. ch.62 §9 rel. to protection of sheep from dogs: costs & liability of owner for failure to kill dog on notice. 1§
'05 ch.57, 21 F

1889 Dog tax

- a Ari. Certain dogs to be licensed & wear collar & license tag. 4§
'05 ch.39, 16 Mr
b N. Y. Amdg. county law '92 ch.686 §110: county supervisors may impose dog tax at different rates in towns on petition of town bd. 1§
'05 ch.261, 21 Ap

1890

Forestry

See also 1598, Arbor day; 2742, Roads

- a Cal. "An act to provide for joint investigation with federal gov't of water resources of state, & best methods of preserving forests. . ." 4§
'05 ch.157, 18 Mr
b Cal. Creating state forestry fund from \$100,000 received from U. S. on Indian & Civil War claims. Bd of Examiners to direct expenditure. 2§
'05 ch.187, 18 Mr
c Cal. Protection & management of forest land; prevention of forest fires. 23§
'05 ch.264, 18 Mr
d Cal. County appropriation for preservation of forests. Adds §33½ to '97 ch.277. 1§
'05 ch.337, 20 Mr
e Del. Msdr. to cut branch from evergreen tree without owner's consent. 1§
'05 ch.210, 3 Ap
f Id. Preservation of forest trees: sale of timber on state lands; prohibiting lease destructive of tree growth; forest fires. 16§
'05 p.145, 8 Mr
g Tenn. Creating Dep't of Game, Fish & Forestry; appointment of state, county, deputy & special wardens; 38 counties excepted. 9§
'05 ch.455, 15 Ap
h Wis. Forestry law. Rep. S.'98 §1038 subdiv.18, §1469-71, 1816a, '01 ch.432 §7, 9, '03 ch.450. 24§
'05 ch.264, 25 My

1892

Bounty. Exemption

- a Mass. Committee to investigate taxation of forest lands; report to Leg. of Jan. 1906; \$500. '05 r.60, 28 Ap

- b N. D. "An act to promote forest tree culture;" bounties. 4§
'05 ch.187, 28 F
- c Pa. Rebate of 80% of taxes on 50 acres of forest land maintained by private owner. Rep.'97 ch.70, '01 ch.48. 3§
'05 ch.88, 8 Ap
- d Pa. 80% rebate allowed in taxation of forest land with 300 trees to the acre; not to exceed 45c an acre. 6§ '05 ch.179, 20 Ap
- e Vt. Waste land planted with forest trees under rules to be made by Forestry Com'r exempt from taxation for 10 yrs. 6§
'04 ch.17, 7 D

1893

Forest fires

See also 1322, Railroads

- a Cal. Person negligently firing his woods or allowing fire to spread liable in treble damages to injured party. Adds C.C. §3346a. 1§
'05 ch.464, 21 Mr
- b Cal. Amdg. Pen.C. §384 rel. to firing woods, grass or grain; msdr. to leave burning camp fire. Adds §384a-b. 3§ '05 ch.567, 22 Mr
- c Ct. Prevention of forest fires: appointment of state & local fire wardens; posting of notices. Amds. G.S. '02 §1218, 1222, 1237. 11§
'05 ch.238, 13 J1
- d Ind. Penalty for firing woods; road supervisor to employ forest fire fighters at \$1.50 a day. Rep. '99 ch.256. 3§ '05 ch.49, 27 F
- e Me. Prevention & control of forest fires in plantations & unorganized townships; forest districts; wardens. 6§ '05 ch.44, 8 Mr
- f Minn. Amdg. '03 ch.363 §8 rel. to compensation of forest fire wardens. 1§
'05 ch.82, 30 Mr
- g Minn. Amdg. '03 ch.363 §2: salary of chief fire warden \$1500 [\$1200]. 3§ '05 ch.310, 19 Ap
- h N. H. Prevention of forest fires; fire chiefs to be forest wardens; patrol; reports; may demand private aid. 8§ '05 ch.97, 10 Mr
- i Or. Protection of forests & timber against fire; fire rangers; close season. Rep. Ann. C.& S. §1787-90. 11§ '05 ch.227, 22 F
- j Pa. Amdg. '97 ch.7 §1-2: fees for forest fire fighting; warden 25c [15c]; citizen 20c [12c] an hr; limit of expenditure. 2§
'05 ch.65, 31 Mr
- k Vt. Forest fires: appointment of Forest Com'r & fire wardens; reports; circulars & notices concerning fires; penalties. 10§
'04 ch.16, 9 D
- m Wash. Forest fire protection & service. Rep. '03 ch.114. 14§
'05 ch.164, 11 Mr

1894

Forest preserves

See also 798, State parks

- a Ill. Providing for creation of forest preserve districts; local com'n; powers; records. 10§ '05 p.279, 18 My
- b Minn. Accepting U. S. grant of 20,000 acres for forest preserve. 1§
'05 ch.83, 30 Mr
- c N. J. Preservation & management of forest park reservations. 12§
'05 ch.47, 22 Mr

- d Pa. State forest reserves subject to charge of 3c an acre for schools & 2c for roads. 2§ '05 ch.81, 5 Ap
- 1896 Lumber
- See also 777, 778(5), Public lands
- 1897 Brands. Drift timber. Stealing
- a Minn. "An act to prevent fraudulent record of log marks & punish unlawful use..." 2§ '05 ch.207, 17 Ap
- 1899 Transportation
- See also 1216, Rates; 1264, Common carriers
- a Id. Rep. '99 p.332 which provided for improvement of navigation of rivers for transportation of lumber, timber etc. & collection of tolls therefor. 1§ '05 p.30, 23 F
- b Mich. Rafting & booming of timber in rivers of Upper Peninsula; exceptions. 2§ '05 ch.189, 7 Je
- c Minn. Amdg. '89 ch.221 §2 rel. to powers & duties of log-driving co. 2§ '05 ch.89, 29 Mr
- d Vt. Amdg. S. §3400, 3402: selectmen *may determine necessity for* & lay out [winter] road for transportation of lumber over private land. 2§ '04 ch.82, 29 N
- e Wash. Amdg. '95 ch.72 §4 rel. to clearing & improvement of streams for logging purposes. 1§ '05 ch.57, 3 Mr
- f Wash. Submitting amdt. to Const. 1889 art.21 §1 making use of water for removal of timber products a public use. Vote Nov. 1906. 4§ '05 ch.67, 3 Mr
- g Wash. Incorp. & powers of co. to operate toll logging road. 4§ '05 ch.82, 6 Mr
- h Wash. Amdg. '95 ch.72 §3 rel. to filing of plat of stream appropriated by boom co. 1§ '05 ch. 119, 9 Mr

1900

Game and fish

- a Ari. Gen. fish & game law. Rep. Pen.C. §574-94. 27§ '05 ch.25, 4 Mr
- b Ark. "An act to protect game & fish of state..." '03 ch.162, 24 Ap. *Unconst.* in so far as it prohibits nonresident landowner from hunting & fishing, denying equal protection of law & taking property without due process of law. State v. Mallory 83 S.W. 955 (1904).
- c Cal. Amdg. Pen.C. §628-29, 632 rel. to protection of fish: close season; screens; limit of catch; disposition of fines. Adds §628a-d, 632a. 9§ '05 ch.192, 18 Mr
- d Cal. Amdg. Pen.C. §626, 626c-k, 627a-b, 631-631a rel. to protection & preservation of game. Adds §631c. 13§ '05 ch.287, 18 Mr
- e Cal. Amdg. '95 ch.165 §4: salary of game warden in county of 2d class \$125 a mo. 1§ '05 ch.305, 20 Mr
- f Ct. Residents of N. Y. granted fishery rights in Long Island sound. 1§ '05 ch.198, 29 Je
- g Del. Designating 3 com'rs to draft with N. J. com'n uniform law for fishing in Delaware river & bay & to mark boundary as fixed by compact; report to Leg. of 1907; \$1500. 3§ '05 ch.6, 23 Mr

- h** Fla. Amdg. '03 ch.146 §3, 6: restricted killing of wild turkeys, quail or partridge; *noncitizen* [nonresidents] to pay hunting license fee. 2§ '05 ch.56, 5 Je
- i** Fla. Appointment of county fish & game warden on petition of 75 freeholders & recommendation by county com'rs; duties; compensation; sheriff to act where no warden appointed. 9§ '05 ch.64, 20 My
- j** Fla. Rep. R.S.'92 §457-67 which provided for appointment & compensation of State Com'rs of Fisheries & defined powers & duties. 1§ '05 ch.59
- k** Id. Protection of fish & game. Rep.'99 p.467. 31§ '05 p.257, 6 Mr
- m** Ill. Amdg. '97 p.224 §4, 7 rel. to appointment & duties of deputy Fish Warden; penalty for trespass for fishing. 2§ '05 p.271, 16 My
- n** Ill. Amdg. '03 p.206 §1-2, 6, 16, 18, 23, 25, 32 rel. to protection of game; restricted killing; sale; salary & term of Game Com'r; wardens; licenses. Rep.'01 p.212. 8§ '05 p.273, 18 My
- p** Kan. Providing for appointment of State Fish & Game Warden & deputies; power & duties; fish propagation; hunters license; shipment of game. Rep.'97 ch.135; '99 ch.142. 22§ '05 ch.267, 18 F
- q** Me. Salaries & clerical assistance of Com'rs of Inland Fisheries & Game. Amds. R.S.'03 ch.32 §22. 4§ '05 ch.84, 17 Mr
- r** Me. Amdg. R.S.'03 ch.116 §1 ¶20: salary of Com'r of Sea & Shore Fisheries \$1500 [\$1000] *traveling expenses*. 1§ '05 ch.120, 21 Mr
- s** Me. Amdg. R.S.'03 ch.32 rel. to inland fisheries & game; close season for moose & caribou; camps & fires; deer damaging crops; hunters license; skins & heads; close season for certain fish & birds. 12§ '05 ch.132, 22 Mr
- t** Me. Compilation of sea & shore fishery laws to be prepared for distribution. 1§ '05 ch.145, 23 Mr
- u** Mass. Amdg. R.L. ch.91 §3: Com'rs of Fisheries & Game may appoint deputies. 1§ '05 ch.407, 17 My
- v** Mich. Rev.'01 ch.217 rel. to protection of game. 30§ '05 ch.257, 16 Je
- v1** Minn. Rev. fish & game laws. 68§ '05 ch.344, 19 Ap
- v2** Mo. Gen. game & fish law. 71§ '05 p.158, 10 Mr
- v3** Mon. Protection of certain fish & game; close season; methods of capturing. Rep.'97 p.249 §1-6, 11-12, 21, 25. 11§ '05 ch.52, 1 Mr
- v4** Mon. Hunters license; shipping permit; guides; clerk of Game Warden. Rep.'01 p.130 §15, 19-23. 14§ '05 ch.57, 2 Mr
- v5** Neb. Exempting from provisions of Ann. S.'03 §3235-82 all state boundary streams more than 100 ft distant from mouth of stream tributary thereto. 1§ '05 ch.78, 9 Mr
- v6** Neb. Amdg. Ann.S.'03 §3255 rel. to protection of fish & game: close season for prairie chicken, pigeons, waterfowl, trout; day's catch; penalties. 9§ '05 ch.76, 21 Mr
- v7** Neb. Amdg. Ann.S.'03 §2150 rel. to unlawful destruction of fish: law inapplicable to boundary stream over 100 ft from mouth of tributary stream; repealing provision requiring owners or operators of milldams to construct fishway. 3§ '05 ch.188, 28 Mr

- v8 Neb. Amdg. Ann.S.'03 §3236: Chief Deputy Game & Fish Com'r to receive salary, \$1500 [\$1200]; deputy in charge of State Fish Hatcheries, \$1200. 2§ '05 ch.74, 1 Ap
- w N. H. Amdg.'01 ch.79 rel. to fish & game: deer; transportation; taking for scientific purposes; close season for certain game birds. 11§ '05 ch.84, 10 Mr
- w1 N. J. "An act to acquire rights of fishing common to all in fresh-water lakes in certain counties . . ." '01 ch.161, 22 Mr. *Unconst.* Eminent domain can be exercised only for public use. *Albright v. Sussex Co. Lake & Park Com'n.* 57 A. 398; 59 A. 146 (1904).
- w2 N. J. Designating 3 com'rs to draft with Del. com'n uniform law for fishing in Delaware river & to mark boundary; \$2000. 3§ '05 ch.239, 11 My
- w3 N. M. Protection of game, birds & fish. Rep.'01 ch.26, 46; '03 ch.48 §6, 11, 14-16, 18; C.L.'97 §1354-67. 6§ '05 ch.51, 13 Mr
- w4 N. Y. Amdg. forest, fish & game law '00 ch.20: employees of com'n; game protectors & fire wardens; disposition of fines. 9§ '05 ch.285, 22 Ap
- w5 N. Y. Amdg. forest, fish & game law '00 ch.20 §170, 172: special oyster protector to be appointed for Borough of Manhattan; repealing provision requiring game protectors to act as fire wardens. 2§ '05 ch.588, 19 My
- w6 N. Y. Special game protector for Monroe county; duties. Adds §176a-e to forest, fish & game law '00 ch.20. 5§ '05 ch.660, 31 My
- w7 Or. Amdg. Ann. C. & S. §2052 rel. to deputy forest & game wardens. 1§ '05 ch.192, 21 F
- w8 Or. Amdg. Ann. C & S. §4076, 4086, 4088, 4098 rel. to salmon fishing; pollution of certain streams with sawdust; fish reports & marking of licensed fishing ground. 4§ '05 ch.233, 23 F
- x Pa. Joint leg. com'n to be appointed to draft with N. J. com'n concurrent fishery laws governing Delaware river; \$2000. '05 ch.8, 1 Mr
- x1 Pa. Bd of Game Com'rs to appoint volunteer special deputy game protectors. 1§ '05 ch.143, 18 Ap
- x2 Pa. "An act to provide for the protection & preservation of game . . . & wild birds." 24§ '05 ch.180, 22 Ap
- x3 Pa. Classifying fish in boundary lakes of 5000 acres & prescribing fishing regulations; licenses; seizures & prosecutions. Rep. '01 ch.210 22§ '05 ch.188, 22 Ap
- x4 Pa. Salary of stenographer in Dep't of Fisheries, \$900. 2§ '05 ch.199, 22 Ap
- x5 S. C. "An act to preserve game, fish, shellfish & terrapin in & on public lands & waters of state, & to provide license." 13§ '05 ch.463, 22 F
- x6 S. C. Gov. to appoint game warden for each county; duties. 3§ '05 ch.489, 7 Mr
- x7 S. D. Amdg. P.C. §3077, 3079, 3083, 3088, 3091: game warden to open season for buffalo, elk, deer, or mountain sheep *Nov.* [Nov. 15 to Dec. 15]; unlawful to kill more than 2 [3] deer; hunting license. 6§ '05 ch.116, 6 Mr

- x8 Tenn.** Creating Dep't of Game, Fish & Forestry; appointment of state, county, deputy & special wardens; 38 counties excepted. 9§
'05 ch.455, 15 Ap
- y Tenn.** Amdg.'03 ch.169 §3, 9 rel. to protection of game: taking of deer or English ring-necked or Mongolian pheasants prohibited for 2 yrs; close season for duck & squirrel; restricted killing; nonresidents license fees; licenses to deal in game; importation; certain counties excepted. 8§
'05 ch.515, 17 Ap
- y1 U.** Rev. R.S.'98 t.21 rel. to protection of fish, game & birds. Rep.'99 ch.26. 31§
'05 ch.118, 17 Mr
- y2 Vt.** Amdg. S. §4562, 4577, 4579, 4583, 4626 & rep. §4580-82, 4584, 4600-8; '98 ch.90 §3; '00 ch.78 rel. to preservation of fish. 8§
'04 ch.117, 5 D
- y3 Vt.** Appointment of State Fish & Game Com'r to direct management of state fish hatcheries & propagation of fish & game; \$5000 annual appropriation. Rep.'00 ch.128, 129 §1-3. 11§
'04 ch. 118, 7 D
- y4 Vt.** Com'n to be appointed to act with New York & Quebec in adoption of uniform fish protection in Lake Champlain.
'04 ch.358, 9 D
- y5 Wash.** Amdg.'99 ch.117 §4, 9 rel. to fishing for food fish; size & situation of nets; fishing grounds; lateral passageways. 2§
'05 ch.140, 9 Mr
- y6 Wash.** Chief deputy & county game wardens; prohibiting deer hunting with dog; trapping of game or song bird; close season for pheasants, waterfowl & elk; sale of game; use of blinds. 14§
'05 ch.172, 13 Mr
- y7 Wis.** Com'n to be appointed to confer with Canadian minister of fisheries & com'ns of other states rel. to uniform fishing laws in international waters. 3§
'05 ch.393, 17 Je
- y8 Wis.** Special deputy Fish & Game Warden to be provided with com'n & identification card; penalty for impersonating game warden. 3§
'05 ch.404, 17 Je
- z Wis.** Gen. fishing law. Amds. S. '98 §4560a. 35§
'05 ch.489, 20 Je
- z1 Wy.** Amdg. R.S. '99 §2148 rel. to destruction of fish through pollution of water or use of explosive. Rep. R.S. '99 §2146. 2§
'05 ch.31, 15 F; '05 ch.83, 21 F
- z2 Wy.** Printing & distribution in pamphlet form of 5000 copies of fish, game & bird laws. 1§
'05 ch.53, 20 F
- z3 Wy.** Amdg. R.S.'99 §2103-26 rel. to protection of game. 14§
'05 ch.69, 20 F
- 1904**
- Enforcement. Fines**
For game wardens *see* 1900
- a Me.** Amdg. R.S.'03 ch.41 §3 as to powers of fish wardens; search; confiscation. 1§
'05 ch.108, 21 Mr
- b Me.** Amdg. R.S.'03 ch.32 §52 rel. to search for game killed in violation of law. 1§
'05 ch.141, 23 Mr

- c Me. Amdg. R.S. '03 ch.41 §38 as to recovery of penalty for illegal seining. 1§ '05 ch.143, 23 Mr
- d Mass. Amdg. R.L. ch.92 §20: disposal of fines & forfeitures under certain bird & game laws. 1§ '05 ch.445, 24 My
- e N. J. Amdg. '97 ch.41 §2, 10 as to jurisdiction of violations of fish & game laws; appeals. 2§ '05 ch.86, 31 Mr
- f N. J. Form of conviction in prosecution under fish & game law. Supplements '97 ch.41. 1§ '05 ch.87, 31 Mr
- g N. Y. Amdg. forest, fish & game law '00 ch.20 §139 rel. to penalty for violation of game laws. 1§ '05 ch.336, 26 Ap
- h Or. Certificate of Master Fish Warden admissible as evidence in prosecutions under fish laws. 1§ '05 ch.106, 18 F
- i Vt. Amdg. '98 ch.99 §4: action for penalty for fishing in streams closed for fish culture barred after 2 yrs [6 mo.]. 1§ '04 ch.119, 1 D

1906

License to hunt or fish

- a Mass. Hunters license for unnaturalized foreigner. 5§ '05 ch.317, 21 Ap
- b Mich. Amdg. '97 ch.268 §2, 6 rel. to hunters license fee & disposition of license money. 2§ '05 ch.225, 16 Je
- c Neb. Amdg. Ann.S. '03 §3279: \$2 fee for fishing permit to non-resident. 2§ '05 ch.77, 4 Ap
- d N. H. "An act to require nonresidents to procure license to hunt." Rep. '03 ch.87. 12§ '05 ch.38, 1 Mr
- e N. H. Change in punctuation in '05 ch.38 §1 rel. to licenses to hunt. 1§ '05 ch.85, 10 Mr
- f Or. Amdg. Ann.C. & S. §4093-95 rel. to fees for license to fish, can salmon or sell salmon or sturgeon. 3§ '05 ch.56, 10 F
- g Or. Hunters license; fees added to fund for protection of game & game fish. 3§ '05 ch.204, 21 F
- h Vt. License for nonresident hunter of deer. Supplements S. ch.189. 9§ '04 ch.128, 21 O
- i Wash. Hunters license. 3§ '05 ch.147, 9 Mr
- j Wash. Amdg. '99 ch.117 §6-8 rel. to license to catch or can food fish; close season for salmon in certain waters. Rep. §5. 6§ '05 ch.170, 13 Mr

1907

Shipment and sale. Purpose of taking. Amount

- a Ill. Penalty for transporting fish illegally taken. Adds §18a to '97 p.224. 1§ '05 p.272, 13 My
- b N. Y. Amdg. forest, fish & game law '00 ch.20 §39: penalty of \$25 to buy or sell bird or animal taken in violation of game law. 1§ '05 ch.318, 24 Ap
- c N. Y. Amdg. forest, fish & game law '00 ch.20 §27: grouse or woodcock not to be offered for sale except according to provisions of act. 1§ '05 ch.335, 26 Ap
- d N. Y. Msdr. to import fish caught in Missisquoi bay. Adds §47a to forest, fish & game law '00 ch.20: rep. §47 so far as it conflicts. 2§ '05 ch.342, 26 Ap

- e Or. Prohibiting sale of game within state or transportation out of state except for scientific or breeding purposes. 2§ '05 ch.117, 18 F
- f Tex. Msdr. to kill or sell more than certain amount of fresh-water fish or squirrel. 3§ '05 ch.113, 15 Ap
- g Wis. Amdg. '01 ch.156 §5 rel. to issue of scientific certificates: collectors not to take deer. Rep. S.'98 §1498i. 5§ '05 ch.500, 20 Je

1908 Trespass. Private lands. State waters

- a Cal. Msdr. to kill or maim animal owned by another while hunting on inclosed land. Adds Pen.C. §384c. 1§ '05 ch.513, 21 Mr
- b Fla. Owner may prohibit fishing in mill pond by posting 3 warning signboards. 2§ '05 ch.61, 18 Je
- c Id. Rep.'99 p.467 which provided for establishment of private fish & game parks. 31§ '05 p.257, 6 Mr

1909 Game

General laws are put under 1900. See also 1856, Noxious animals

1910 Propagation. Game preserve

- a Pa. Appropriating \$6000 for establishing & stocking public game preserves with deer & certain birds. 2§ '05 ch.320, 11 My
- b Wash. County com'rs may create game preserve on any island on petition of $\frac{2}{3}$ of its freeholders. 4§ '05 ch.131, 9 Mr
- c Wy. Creating State Game Preserve. 3§ '05 ch.90, 21 F

1911 Close season

- a Ct. Close season for mink & otter Ap. 1 to Oct. 31 except where destructive to poultry. 2§ '05 ch.5, 30 Mr
- b S. D. Amdg. P.C. §3054 subdiv. 6: msdr. to take beaver or otter *between May 1 & Sep. 1* [prior to Jan. 15, 1911 or thereafter between Dec. 15 & Oct. 15]. 2§ '05 ch.117, 6 Mr
- c Wis. Amdg.S.'98 §4565c rel. to close season for rabbit, *gray fox*, *black squirrel*, beaver, marten, fisher, mink or muskrat. 1§ '05 ch.514, 20 Je

1913 Big game

1916 Bears

- a N. Y. Amdg. forest, fish & game law '00 ch.20 §16 as to penalty for killing wild black bear. 2§ '05 ch.319, 24 Ap

1919 Deer

- a Col. Amdg. '99 ch.98 div.B §7 subdiv.1: open season for horned deer Sep. 25 [15] to Oct. 10 [Sep. 30]. 1§ '05 ch.108, 7 Ap
- b Ct. Amdg. G.S.'02 §3119: fine for killing deer \$500 [\$100]. 1§ '05 ch.93, 20 My
- c Ct. Town to pay damage caused by wild deer to crops. 2§ '05 ch.108, 25 My
- d Mass. Amdg. R.L. ch.92 §18 rel. to protection of deer from dogs. 1§ '05 ch.245, 30 Mr
- e Mass. Amdg. R.L. ch.92 §17 rel. to close season for deer. 1§ '05 ch.419, 18 My

- f N. C. Amdg. C. §1058: msdr. to kill deer while swimming; excep-
tion. 4§ '05 ch.388, 4 Mr
 - g Or. Amdg. Ann.C.& S. §2010 rel. to protection of deer. 1§
'05 ch.126, 21 F
 - h S. C. Close season for deer Jan. 1 to Sep. 1; 13 counties excepted.
2§ '05 ch.485, 9 Mr
 - i Vt. Amdg. '98 ch.108 §3 as to amount, enforcement & disposition
of fines for keeping dog to hunt deer or for allowing deer dog at large
in forests. 3§ '04 ch.130, 1 N
 - j Vt. Amdg. '96 ch.94 §2: deer having horns *not less than 3 in.*
may be hunted during last 10 days of Oct. *except Sun.* 1§
'04 ch.129, 9 D
 - k Vt. Open season for deer last week in Oct. having 6 working days.
2§ '04 ch.127, 10 D
 - m Wis. Amdg. S. '98 §4562d rel. to hunting of deer. 5§
'05 ch. 436, 19 Je
- 1921 **Elk**
- a Cal. Felony to kill elk. Adds Pen.C. §599. 2§ '05 ch. 239, 18 Mr
- 1926 **Mountain sheep**
- a Col. Amdg. '99 ch.98 div.B §7 subdiv.1: abolishing open season
for mountain sheep [Oct. 15-25]. 1§ '05 ch.108, 7 Ap
- 1927 **Small game**
- a Fla. Open season for wild otter & beaver Dec. 1 to Mar. 1. 3§
'05 ch.57, 24 My
 - b Neb. Msdr. to hunt red fox or gray timber squirrel. 1§
'05 ch.186, 30 Mr
- 1929 **Beaver**
- a Me. Amdg. R.S.'03 ch.32 §11: killing of destructive beaver in
close season. 1§ '05 ch.22, 23 F
 - b Mich. Amdg. '97 ch.86 §1: beaver not to be killed till Dec. 31,
1910 [1905]. 1§ '05 ch.204, 13 Je
 - c N. Y. Amdg. §14 of forest, fish & game law '00 ch.20 rel. to pro-
tection of beaver. 1§ '05 ch.428, 16 My
 - d N. D. Close season for beaver till Jan. 1, 1920. 2§ '05 ch.51, 7 Mr
- 1930 **Rabbit. Squirrel**
- a Ct. Penalty for use of ferret for taking rabbits. Amds. G.S.'02
§3118. §2 '05 ch.208, 29 Je
 - b Ct. Amdg. G.S.'02 §3116: close season for wild hares & rabbits
Dec. 1 [Jan. 1] to Sep. 30. 1§ '05 ch.222, 6 Jl
 - c Del. Close season for gray squirrel in Kent & New Castle counties,
Jan. 1 to Nov. 15. 2§ '05 ch.137, 3 Ap
 - d Ind. Rep.'03 ch.215 §7 which made hunting rabbits with ferret a
msdr. 1§ '05 ch.97, 4 Mr
 - e N. Y. Amdg. §13 of forest, fish & game law '00 ch.20 rel. to close
season for hares & rabbits. 1§ '05 ch.422, 16 My

- f R. I. Amdg. G.L. ch. 113 § 1: close season for rabbit & gray squirrel *Dec. 31-Nov. 1*, [Jan. 1-Oct. 1]; fine \$20 [\$5] for each rabbit etc.; $\frac{1}{2}$ fine to complainant, $\frac{1}{2}$ to state. 2§ '05 ch. 1250, 11 My

1944

Birds

- a Mass. Appropriating \$3000 for preparing & printing by Bd of Agric., report on birds of Mass. economically considered. '05 r. 51, 14 Ap
- b S. C. Wild birds state property; game birds; penalty for destruction of eggs or nest; license to take for scientific purpose; destructive birds exempted. 12§ '05 ch. 474, 9 Mr

1947

Game birds

- a N. H. Forbidding use of certain guns in hunting game birds. 1§ '05 ch. 98, 10 Mr
- b Wis. Limiting number of certain game birds to be killed, & regulating shipment. 2§ '05 ch. 406, 17 Je

1948 *Close season*

- a Ga. Amdg. '03 p. 100 § 1: close season for dove, marsh hen or snipe Mar. 15-Sep. 1 [July 15]. 3§ '05 p. 112, 22 Ag
- b Neb. Prohibiting killing of imported game birds. 3§ '05 ch. 187, 3 Ap
- c R. I. Amdg. '04 ch. 1144: penalty for sale of partridge, quail or woodcock [sale prior to Oct. 15, 1905]; close season *Dec. 31-Nov. 1* [prior to Oct. 15, 1905]; $\frac{1}{2}$ fine to complainant, $\frac{1}{2}$ to state. 3§ '05 ch. 1231, 26 Ap
- d Wis. Close season for hunting certain birds. Rep. S. '98 § 4562e. 4564. 2§ '05 ch. 449, 19 Je

1949 **Anatidae**

Waterfowl: swan, goose, duck, brant

- a Me. Close season for duck, Dec. 1-Sep. 1; penalty \$5 per bird. 4§ '05 ch. 81, 17 Mr
- b N. H. Penalty for killing loon inhabiting fresh water, or destroying eggs. 4§ '05 ch. 34, 23 F
- c N. J. Amdg. '03 ch. 246 § 6-7: lawful to hunt waterfowl in boat or sink box 100 ft from ice or heaped seaweed; mooring not necessary. 2§ '05 ch. 227, 8 My
- d Or. Amdg. Ann. C. & S. § 2014 rel. to close season for ducks. 1§ '05 ch. 79, 15 F
- e Wis. Amdg. S. '98 § 4563 as to close season for certain aquatic fowl. 1§ '05 ch. 113, 22 Ap

1950 **Gallinae**

Black game, capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a Ari. Close season for imported pheasants till Mar. 1, 1911. 2§ '05 ch. 35, 16 Mr
- b Col. Amdg. '99 ch. 98 div. B § 7 subdiv. 3: open season for sage chicken Aug. 1-Oct. 1. 1§ '05 ch. 108, 7 Ap

- c **Ct.** Close season for Mongolian, Chinese & English pheasants *Dec. 1-Sep. 30* [July 1, 1902-June 1, 1906]. Amds.G.S.'02 §3122 & rep. §3127. 2§ '05 ch.158, 21 Je
- d **Ind.** Close season for certain pheasants for 6 yrs. Rep.'99 ch.44. 3§ '05 ch.37, 24 F
- e **Mass.** Amdg. R.L. ch.92 §16: close season for pheasants till *open season for partridge & quail 1907* [till Feb. 13, 1905]. 1§ '05 ch.73, 14 F
- f **Mass.** Amdg. R.L. ch.92 §3: close season for quail *Dec. 1-Nov. 1* [Oct. 1]; exceptions under propagation permits. 1§ '05 ch.406, 17 My
- g **Mich.** Amdg.'01 ch.217 §9: killing capercaillie, black game or hazel grouse prohibited till 1910. 1§ '05 ch.73, 26 Ap
- h **Minn.** Close season for certain pheasants till Jan. 1, 1910. 2§ '05 ch.39, 15 Mt
- i **Or.** Amdg. Ann. C. & S. §2021 rel. to close season for pheasant & quail. 1§ '05 ch.77, 15 F
- j **R. I.** Amdg.'00 ch.746 §12: close season for pheasants extended to *Oct. 1, 1910* [Oct. 15, 1905]. 2§ '05 ch.1232, 26 Ap
- k **Vt.** Amdg. S. §4612 as to close season & method of hunting partridge. 4§ '04 ch.124, 29 N
- 1952 Shore birds**
Woodcock, plover, snipe, sandpiper, curlew
 - a **Mass.** Amdg. R.L. ch.92 §5 rel. to close season for certain shore, marsh & beach birds. 1§ '05 ch.414, 17 My
 - b **N. Y.** Amdg. forest, fish & game law '00 ch.20 §23: close season for woodcock *Dec. 1* [16]-Sep. 15. 1§ '05 ch.338, 26 Ap
- 1953 Other than game birds. Song and insectivorous. Plume**
 - a **Cal.** Amdg. Pen. C. §637a rel. to prohibition against killing wild bird other than game bird. 1§ '05 ch.117, 18 Mr
 - b **Del.** Amdg.'01 ch.216 §3 rel. to protection of wild birds other than game: jurisdiction of justice of peace; fines. 1§ '05 ch.136, 28 F
 - c **N. Y.** Amdg. §34 of forest, fish & game law '00 ch.20: nests of crane, raven, common blackbird & kingfisher not to be destroyed or robbed. 1§ '05 ch.426, 16 My
- 1954 Doves. Pigeons**
See Cruelty to animals
 - a **Col.** Amdg. '99 ch.98 div.B §7 subdiv.5: open season for doves *Aug. 1-15* [31]. 1§ '05 ch.108, 7 Ap
- 1955 Carrier pigeons**
 - a **Cal.** Msdr. for other than owner to detain, maim or kill homing pigeon. Adds Pen.C. §598a. 2§ '05 ch.524, 21 Mr
 - b **Minn.** Msdr. to interfere with homing pigeon marked with owner's name & registered number. 2§ '05 ch.56, 21 Mr
- 1956 Eagles**
 - a **Nev.** Msdr. to kill American eagle or destroy nest or eggs. 3§ '05 ch.26, 25 F

1957 Plume birds

- Grebe, gull, tern, pelican, egret, heron
 a Cal. Msdr. to kill gull or crane or destroy eggs or nest. Adds
 Pen.C. §599. 2§ '05 ch.524, 21 Mr

1958 Reedbirds (bobolinks)

- a Del. Amdg. '85 ch.507 §1: close season for reedbirds, Feb. 1-
 Sep. 1 [Aug. 25]. 1§ '05 ch.135, 28 F

1959

Fish

General laws are put under 1900

- a Tex. Amdg. R.C.S.'95 art.2513-16, 2518c-e, 2518h, 2518k & Pen.
 C.'95 art.529g rel. to fish & oyster industry. Adds Pen.C.'95 art.
 529x. 12§ '05 ch.90, 14 Ap

1961

Fish culture

- a Col. Establishing Del Norte Fish Hatchery on Rio Grande; \$5000.
 4§ '05 ch.104, 25 Mr
 b Col. Establishing State Fish Hatchery at Glenwood Springs;
 \$500. 5§ '05 ch.105, 10 Ap
 c Col. Establishing State Fish Hatchery in Grand county; \$3000.
 7§ '05 ch.106, 10 Ap
 d Mich. U. S. Bureau of Fisheries may catch fish in Great Lakes
 bordering on state for culture & investigation. Rep. '99 ch.88 §6.
 3§ '05 ch.145, 25 My
 e Neb. Amdg. '01 ch.36 §13: proceeds of sale of fish, spawn or eggs
 to form fund to be used by Com'r to improve state hatcheries. 2§
 '05 ch.75, 28 Mr
 f Nev. Provision for appointment of 3 Fish Com'rs to establish
 fish hatcheries. 2§ '05 ch.156, 16 Mr
 g N. Y. Forest, Fish & Game Com'n may purchase fish roe or eggs
 giving in exchange percentage of fish hatched. Adds §5 to '04
 ch.591. 1§ '05 ch.612, 25 My
 h Wash. Establishing State Salmon Hatchery on Humptulips river
 if suitable. 2§ '05 ch.74, 6 Mr
 i Wash. Screen to be placed at head of irrigating ditch on stream
 used for state hatchery. 2§ '05 ch.79, 6 Mr
 j Wash. Establishing State Salmon Hatchery on Chehalis river if
 suitable. 2§ '05 ch.80, 6 Mr
 k Wash. State Salmon Hatchery on Little Spokane river to be con-
 verted into hatchery for game fish; \$2500. '05 ch.94, 9 Mr
 m Wash. Establishing State Salmon Hatchery on Chimacum creek
 if suitable. 1§ '05 ch.96, 9 Mr
 n Wash. Establishing State Salmon Hatchery on Skagit river if
 suitable. 1§ '05 ch.97, 9 Mr
 p Wash. Establishing State Salmon Hatchery on upper Methow
 river if suitable. 2§ '05 ch.107, 9 Mr
 q Wash. Establishing State Salmon Hatchery on Toutle river if
 suitable. 2§ '05 ch.148, 9 Mr
 r Wash. Establishing State Salmon Hatchery on east fork of Lewis
 river in Clarke county if suitable. 1§ '05 ch.165, 11 Mr

- s **Wis.** Defining & regulating private fish hatcheries; inspection & registration by Fish & Game Warden; transportation. 6§
'05 ch.435, 19 Je
- t **Wis.** Com'rs of Fisheries to construct bass hatchery at \$10,000; also trout hatchery at \$5000. 2§
'05 ch.484, 20 Je
- 1962 **Injurious fish**
- a **Mass.** Appropriating \$2000 for collection & printing by Com'rs of Fisheries & Game statistics of damage to food fish by predatory fish.
'05 r.12, 27 F
- 1963 **Fishways**
- a **Wis.** Defining fishway; to be placed in dam, boom, pier or other obstruction in stream. 5§
'05 ch.461, 19 Je
- 1964 **Close season**
- a **Ga.** Amdg. '03 p.100 §6: close season for fish except with hook & line [cast nets, traps, baskets & hook & line] Feb. 1 [Mar. 15]-July 1; close season for shad Ap. 15-July 1. 3§
'05 p.112, 22 Ag
- b **Nev.** County may extend close season for fishing in stream stocked with food fish by other than state. 3§
'05 ch.90, 16 Mr
- 1966 **Special methods of fishing**
- a **S. D.** Amdg. P.C. §3100, 3103, 3108 rel. to manner of taking various kinds of fish. 4§
'05 ch.112, 6 Mr
- b **Vt.** Amdg. S. §4594 as to collection of bounty for destruction of certain devices for fishing. 1§
'04 ch.121, 16 N
- 1968 **Fishing through ice**
- a **Vt.** Amdg. S. §4584 as to fishing through ice in certain waters. 1§
'04 ch.120, 3 D
- 1969 **Set lines**
- a **Vt.** Amdg. S. §4601: residents may obtain permits to fish in Lake Champlain with set line 25 [75] ft long *and not having more than 15 hooks*. 1§
'04 ch.123, 3 D
- 1971 **Seining. Nets**
- a **Ct.** Amdg. G.S.'02 §3158: possession of fish or net on shore of lake prima facie evidence of intention to use net. 1§
'05 ch.68, 18 My
- b **Del.** Amdg. '09 ch.250 §1: minimum size of meshes for fishing in Delaware river & bay, 2 [2½] in. 1§
'05 ch.127, 30 Mr
- c **Minn.** Use of seine in boundary waters between Minn. & Wis.; license; bond; jurisdiction of violations. Adds 8§ to '03 ch.336. 8§
'05 ch.186, 15 Ap
- d **N. Y.** Amdg. '00 ch.20 §63: mesh of net used in Lake Erie to be at least $\frac{3}{8}$ [$\frac{1}{2}$] in. bar. 1§
'05 ch.36, 7 Mr
- e **N. Y.** Amdg. forest, fish & game law '00 ch.20 §178: nets used in violation of game law *shall* [may] be destroyed; com'n may retain for their use. 1§
'05 ch.657, 29 My

- f Or. Owners of pound nets in Columbia river to remove piling at close of fall season. 2§ '05 ch.159, 21 F
- g Pa. Lawful to seine for carp, suckers or mullets from Sep. 1-June 20 with net with 2 in. mesh on giving \$200 bond to return other fish. 3§ '05 ch.216, 26 Ap
- h S. D. Prohibiting use of seines in waters forming boundary between S.D. & other states; jurisdiction of offenses. 4§ '05 ch.113, 6 Mr

1973 Explosives. Chemicals. Electricity

- a Fla. Msdr. to kill fish by placing lime or poisonous minerals in fresh waters. 2§ '05 ch.63, 29 My

1974 Special kinds of fish

1977 Bait minnows

- a Mass. Amdg. R.L. ch.91 §81 as to close season for shiners in certain waters. 1§ '05 ch.81, 17 F

1978 Bass

- a Or. Rep. Ann.C.&S. §2027 rel. to close season for black bass. 1§ '05 ch.13, 3 F
- b Vt. Close season for black bass Jan. 1-June 15; catch limited to 24 per day for individual, 36 for 1 boat. 2§ '04 ch.122, 16 N

1983 Menhaden

- a N. C. Msdr. to catch menhaden except in prescribed seine or to manufacture fertilizer from fish illegally caught; 4 counties excepted. 3§ '05 ch.274, 22 F; '05 ch.508, 6 Mr

1983(5) Mullet

- a Fla. Msdr. to catch for shipping or to transport mullet from Nov. 15-Dec. 31. 4§ '05 ch.62, 31 My

1984 Pickerel. Pike

- a Mass. Town may establish close season for pickerel. Rep. R.L. ch.91 §68, '04 ch.364. 2§ '05 ch.417, 18 My
- b N. Y. Amdg. forest, fish & game law '00 ch.20 §48: maskalonge under 24 in. not to be caught. 1§ '05 ch.423, 16 My
- c R. I. Penalty for taking or having in possession pickerel less than 10 in.; proviso. Supplements G.L.ch.171. 1§ '05 ch.1225, 19 Ap

1986 Salmon

- a Or. Penalty for driving or frightening salmon in waters where it is unlawful to fish for same. 2§ '05 ch.30, 6 F
- b Or. Rep. Ann.C.&S. §4130-34 rel. to bounty for salmon-destroying animals & fowls. 1§ '05 ch.31, 6 F
- c Or. Appropriating \$25,000 for construction & equipment of salmon hatcheries. 2§ '05 ch.37, 7 F
- d Or. Amdg. Ann.C.&S. §4061, 4064, 4065, 4069-71 rel. to close season for salmon. 8§ '05 ch.133, 21 F

GAME AND FISH

1988

Shad. Herring. Sardines

- a Fla. Close season for fresh shad Ap. 1-Dec. 1, for iced shad Ap. 7-Dec. 1. 3§ '05 ch.60, 5 Je
- b Me. Amdg. R.S.'03 ch.41 §1, 27, 28 rel. to herring & sardine fishery: methods of catching & packing; penalties. Rep. §29-33. 3§ '05 ch.16, 22 F
- c N. J. Fish & game com'rs to cooperate with Pa. in propagation of shad for stocking Delaware river; \$25,000. 3§ '05 ch.235, 11 My

1992

Sturgeon

- a Or. Amdg. Ann.C.& S. §4115, 4116 rel. to method of fishing for sturgeon. Rep. §4114 rel. to close season. 3§ '05 ch.163, 21 F

1996

Trout

- a Col. Amdg. '99 ch.98 div.B §7 subdiv.7: prohibiting trout fishing between 10 [8] p. m. & 4 a. m. 1§ '05 ch.108, 7 Ap
- b Ct. Transportation of trout out of state except from commercial hatchery or for stocking prohibited. Amds. G.S.'02 §3144. 1§ '05 ch.151, 21 Je
- c Me. Riparian proprietors engaged in trout culture may ship same; restrictions. 1§ '05 ch.87, 18 Mr
- d Mich. Use, transportation & sale of brook & rainbow trout. 6§ '05 ch.179, 6 Je
- e N. Y. Amdg. forest, fish & game law '00 ch.20 §40: close season for trout to end Ap. 14 if Ap. 16 is Sun. 1§ '05 ch.196, 12 Ap
- f N. Y. Amdg. forest, fish & game law '00 ch.20 §67: carp not to be placed in certain lakes or waters inhabited by trout. 1§ '05 ch.312, 24 Ap
- g N. Y. Amdg. §41 of forest, fish & game law '00 ch.20 rel. to close season for trout. Adds §41b. 2§ '05 ch.424, 16 My
- h N. Y. Trout not to be sold from Sep. 1-Apr. 21. Adds §43b to forest, fish & game law '00 ch.20. 1§ '05 ch.425, 16 My
- i Wis. Amdg. S.'98 §4560c: close season for trout in inland waters Aug. 15-May 1 [Sep. 1-Apr. 15]; day's catch; size. 3§ '05 ch.318, 7 Je

2000

Shellfish. Miscellaneous

- a Ct. Extending to Sep. 1906, term of Com'n on Lobsters & Shell Fisheries appointed by '03 special acts ch.372; additional member appointed to represent oyster-growing interests. 4§ '05 special acts ch.418, 6 Jl
- b N. C. Joint shellfish committee may appoint subcommittee of 5 to visit fisheries. '05 p.1052, 4 F
- c R. I. Amdg. '01 ch.856: salary of clerk of Com'rs of Shell Fisheries \$1500 [\$1000]. 2§ '05 ch.1253, 11 My
- d S. C. Joint leg. com'n to investigate terrapin & shellfish culture & sale; report to Leg. of 1906; \$800. 4§ '05 ch.569, 7 Mr

2002 *Shellfish cultivation*

- a Me. Shellfish culture & scientific research relative to same, under direction of Com'r of Sea & Shore Fisheries. 5§ '05 ch.88, 18 Mr

2003 *Contaminated waters*

See also 1079, Pollution of water

- a R. I. Penalty for depositing in public waters substance injurious to shellfish; liability for damages; investigation and prosecution of complaints by Com'rs of Shell Fisheries. 7§ '05 ch.1222, 13 Ap

2007 *Clams*

- a Me. Amdg. R.S.'03 ch.41 §34 rel. to town regulation of taking clams. 2§ '05 ch.161, 24 Mr
b Mass. Com'r of Fisheries & Game to make biologic report on quahaug culture in Mass. '05 r. 78, 17 My
c Mass. Com'rs of Fisheries & Game to make biologic investigation rel. to propagation of clams; \$500 annual appropriation for 3 yrs. '05 r.93, 24 My
d Wash. Close season for digging clams to sell or can May 1-Sep. 1. 2§ '05 ch.163, 11 Mr

2008 *Crabs*

- a Wash. Close season for crabs July-Sep.; unlawful to can crab less than 6 in. across back. 3§ '05 ch.134, 9 Mr

2011 *Oysters*

See also 1449, Weights and measures

- a Del. Msdr. to use boat propelled by motor power to take oysters from natural beds. 3§ '05 ch.130, 13 Ap
b Del. Msdr. to use power winders in taking of oysters from natural beds. 2§ '05 ch.132, 13 Ap
c Mass. Com'rs of Fisheries & Game to make biologic investigation of oyster culture in state waters; \$500 annual appropriation for 3 yrs. '05 r.73, 12 My
d N. J. Protection of oysters; close season; msdr. to trespass on beds; issue & revocation of license for culture; penalties. Supplements '99 ch.149. 10§ '05 ch.41, 21 Mr
e N. J. State Oyster Com'n of Delaware bay & Maurice cove to have control of industry on tidal lands of Raritan bay; membership & term of com'rs; additional salary of Oyster Sup't. Supplementing '99 ch. 194. '05 ch.249, 25 My
f N. C. "Small" oysters not to exceed 5 [10] % of lot offered for sale; lease of beds; license survey, prohibition against export of shells removed. Supplements '03 ch.516; amds. §6, 7, 11, 22; rep. §23. 9§ '05 ch.525, 6 Mr
g Or. "An act to protect . . . oysters planted . . . by State Biologist or U. S. Fish Com'n" 4§ '05 ch.103, 18 F

2012 State departments. Officers

- a Ct. Amdg. G. S. '02 §3238, 4811 rel. to duty of Inspector of Natural Oyster Beds: salary \$600 [\$400]. 2§ '05 ch.168, 21 Je
- b N. J. Gov. to appoint State Oyster Com'n of 3 for district of Atlantic county; supervision of industry; survey, mapping & lease of beds; records; fees; licenses. 23§ '05 ch.75, 30 Mr

2013 Beds. Grounds

- a Ct. Grants of oyster, clam or mussel ground to become final after 5 yrs unless proceedings brought for reversion to state. 1§ '05 ch.165, 21 Je
- b Del. Surveying & staking of oyster plantations in Delaware bay; oyster revenue collector to have supervision. 6§ '05 ch.129, 13 Ap
- c Ga. Amdg. C.'95 §1694 as to consent required to transplant oysters from private beds. 2§ '05 p.73, 22 Ag

2015 Minimum size

- a Del. Oysters taken from natural beds of Delaware bay to be rough culled; penalty. 2§ '05 ch.131, 13 Ap

2016 Taxation. License

- a Fla. Aliens & nonresidents to pay annual license tax of \$25 for each boat used in taking oysters from natural or public beds; disposition of license money. 5§ '05 ch.58, 15 Je
- b Wash. Amdg. '03 ch.166 §14 as to payment of license fees & receipts for oyster seeds into gen. fund. 1§ '05 ch.130, 9 Mr

2017 Scallops

- a Mass. Com'rs of Fisheries & Game to investigate & report as to scallops. '05 r. 49, 13 Ap

2019 Terrapin

- a N. Y. Taking, killing or selling land turtle or tortoise prohibited. Adds §15a to forest, fish & game law '00 ch.20. 2§ '05 ch.319, 24 Ap

2020**Mines and mining**

See also 500, Corporations; 846, Taxation; 2349, Mining schools. For labor in mines see 2040, Labor

- a Pa. "To fix number & salaries of . . . employees in Dep't of Mines." 2§ '05 ch.9, 1 Mr
- b Wy. "An act to authorize State Geologist to establish Bureau of Mining Statistics, . . . filing and distributing information rel. to the mineral industry of Wyoming . . ." 6§ '05 ch.92, 21 F

2024 Corporations

- a Cal. Rep. '80 ch.118 rel. to protection of stockholder in mining corp. 1§ '05 ch.77, 7 Mr
- b Cal. Mining corp.: transfer of stock; consolidation; inspection of books & mine by stockholder; accounts; reports. Adds C.C. §586-90; rep. div.1 pt 4 t.11. 6§ '05 ch.432, 21 Mr

- c Mich. Amdg. '77 ch.113 §18 rel. to assmt. on capital stock of mining corp.: sale of delinquent stock. 1§ '05 ch.28, 23 Mr
- d Mich. Amdg. '77 ch.113 §21: mining corp. may dispose of stock of foreign or domestic mining corp. 1§ '05 ch.105, 10 My
- e Or. Officers, directors & meetings of mining corp. 1§ '05 ch.190, 21 F
- f Or. License fee of certain mining corp.; annual report. 4§ '05 ch.214, 22 F

2025 Debris

- a Cal. Amdg. '93 ch.228 §1: Gov. to appoint Debris Com'r May 1, 1905 [Jan. 1, 1902]. 1§ '05 ch.143, 18 Mr

2030 Mining claims. Property rights

- a Cal. Date of locating claim in patent for mineral land granted by U. S. prima facie correct. Adds C.C.P. §1927. '05 ch.81, 7 Mr
- b N. M. Annual assmt. work on mining claim involved in pending action. 2§ '05 ch.83, 15 Mr
- c N. C. Amdg. C. §1892 so as to provide for partition of mineral interests when title to same has become separated from surface. 3§ '05 ch.90, 2 F
- d Okl. Msdr. to tear down or deface notice of mining claim, destroy markings, fill up mining shaft of another or alter or erase records of mining recorder. 1§ '05 ch.13 art.8, 11 Mr
- e Or. Curing defects in notice of location of mining claim. 1§ '05 ch.142, 21 F
- f Tex. Amdg. R.C.S.'95 art.3498f, 3498g & 3498l rel. to mining claims. Rep. art.3498m. 4§ '05 ch.99, 15 Ap
- g Wis. Lessee of mine to keep open records & make monthly statement to lessor. 2§ '05 ch.236, 23 My

2034 Trespass

- a N. M. Msdr. to wrongfully enter on mining claim after posting notice of warning against trespass. 3§ '05 ch.28, 3 Mr

2035

Petroleum. Gas

See also 1493, Petroleum products (inspection); 1647, Encouragement of industries

- a Kan. "An act to regulate mode of procuring, transporting & using natural gas . . ." 3§ '05 ch.312, 1 Mr
- b Kan. Msdr. to drill oil or gas well within 100 ft of right of way of steam or electric ry. 2§ '05 ch.210, 8 Mr
- c Kan. County com'rs may appoint inspector of natural gas wells & pipe lines; duties; compensation \$5 a day. 10§ '05 ch.313, 9 Mr
- d Okl. Drilling & operation of oil & gas wells: plugging of abandoned wells; storm burners to be used in burning natural gas for lighting purpose. 8§ '05 ch.26 art.1, 15 Mr
- e Tenn. Drilling & operation of oil & gas wells; waste; plugging of abandoned wells. 7§ '05 ch.379, 13 Ap

2036 Pipe lines

- a Kan.** Pipe line co. to be common carrier; maximum rates; supervision by Bd of Railroad Com'rs; equipment; penalties. 5§
'05 ch.315, 22 F

2037 Waste of oil and gas. Plugging wells

- a Ill.** Treatment of oil or gas well before abandoning; filing of affidavit of compliance with law; casing off fresh water. 4§
'05 p.326, 16 My
- b Tex.** Adding §7-10 to '99 ch.96 rel. to oil, gas & mineral water wells: injurious drilling; abandonment; District Court of county to have jurisdiction. 4§
'05 ch.119, 9 My
- c Wy.** Msdr. to allow escape of oil or gas from well; stopping of abandoned well; exceptions. 6§
'05 ch.77, 21 F

2040**Labor**

BY HELEN PAGE BATES PH.D.

See also 20, Bureaus of statistics; 354, Convict labor; 1009, Buildings, sanitation and safety; 1236, Workingmen's trains; 1612, Labor day

- a Kan.** Com'r of Labor to publish annual report. Rep.'01 ch.293 in so far as it relates to Com'r's report. 2§
'05 ch.279, 25 F
- a1 Mass.** Bd of Health to continue investigation begun under '04 ch.99 of conditions affecting health & safety of factory hands & report Jan. 15, 1907. '05 r.59, 28 Ap
- b N. Y.** Submitting amdt. to Const. 1894 art.12 §1: Leg. may regulate wages, hours & conditions of labor of public employees & also labor on all public contracts. Adopted Nov. 1905.
'02 p.1803, 27 Mr; '03 p.1453, 22 Ap
- c Or.** Amdg. '03 p.205 §2 rel. to term of office of Com'r of Labor Statistics. 1§
'05 ch.36, 7 F
- d Pa.** Factory regulations to secure health & safety of employees. 28§
'05 ch.226, 2 My
- e R. I.** Amdg. G.L. ch. 68 §1-4, 12 rel. to appointment, term & duties of Factory Inspector: salary, chief inspector \$2000 & 2 assistants at \$1500; expenses. 5§
'05 ch.1215, 9 Mr
- f Wash.** Amdg. '01 ch.74 §1, 8 as to appointment & compensation of assistants in Bureau of Labor. 2§
'05 ch.83, 6 Mr
- g Wash.** Safety & health regulations for factories & workshops using machinery; inspection; action for injury. Rep.'03 ch.37. 13§
'05 ch.84, 6 Mr
- h Wis.** Amdg. S.'98 §1021c: term of Com'r of Labor & Industrial Statistics 4 [2] yrs. 1§
'05 ch.83, 13 Ap
- i Wis.** Amdg. '99 ch.152 §1: Com'r of Labor & Industrial Statistics may appoint 10 [6] assistant factory inspectors; factory inspector or assistants to issue certificate of inspection. 2§
'05 ch.338, 10 Je

2046**Comfort of employees****2047 Seats for employees**

- a Tenn.** Msdr. for employer to fail to provide seats for women employees. 3§
'05 ch.171, 4 Ap

2048 Washrooms and closets

- a Ct. Toilet room in foundry. 2§ '05 ch.140, 15 Je

2049 Health of employees

- a Wis. Prohibiting use of wood alcohol so as to endanger life or health. 3§ '05 ch.274, 1 Je

2051 Dust and gases

- a Wis. Amdg. '99 ch.189 §1 rel. to hooding of emery wheels & belts. 1§ '05 ch.147, 3 My

2052 Safety of employees

See also 2125, Employers liability

- a Wis. Manufacturers & owners of corn huskers & shredders to provide safety devices. 5§ '05 ch.296, 3 Je

2053 Bakeries and confectioneries

See also 980, Sanitary regulation of bakeries; 1008, Confectionery

- a N. J. Regulating sanitation of bakeries & confectionery factories; hrs of labor not to exceed 10 hrs a day or 60 hrs a week; minor under 18 not to work between 7 p.m. & 7 a.m. Supplements '04 ch.64. 11§ '05 ch.102, 5 Ap
- b Tenn. Amdg. '99 ch.401 rel. to inspection of workshops: term to include bakeries. 1§ '05 ch.159, 4 Ap

2054 Building trades

2056 Safety of employees

- a N. Y. Amdg. labor law '97 ch.415 §20 as to inclosure of elevator shaft in buildings under construction. 1§ '05 ch. 520, 17 My
- b Wis. Amdg. '01 ch.257 §2-4 rel. to use of scaffolding, hoists, stays, ladders etc. in constructing buildings: enforcement by *Com'r of Labor, State Factory Inspector & assistant, or chief local officer enforcing building laws*. Adds §3a. 4§ '05 ch.250, 25 My

2058 Scaffolds

- a Kan. State Factory Inspector on complaint of workman to examine into safety of scaffolding & other appliances used in repairing structure & order necessary changes. 2§ '05 ch.527, 13 F

2063 Mines

See also 2020, Mines and mining

- a Ill. Amdg. '99 p.300 §7, 11 rel. to coal mine inspection: division of state into 10 [7] districts & appointment of inspector for each. '05 p.325, 13 My; '05 p.325, 12 My
- b Ill. Amdg. '99 p.300 §10 rel. to salary & expenses of State Mining Bd. 1§ '05 p.330, 16 My
- c Ind. "An act to revise laws rel. to coal mines & subjects rel. thereto, & providing for health & safety of persons employed therein." 29§ '05 ch.50, 28 F
- d Mich. Rev. '99 ch.57 rel. to inspection of coal mines. 36§ '05 ch.100, 10 My
- e Minn. County having 5 mines to appoint inspector; qualifications; duties. 13§ '05 ch.166, 13 Ap

- f Pa. Amdg. '91 ch.177 art.2 §1-3, 7, 15 rel. to anthracite coal mine inspection districts. 5§ '05 ch.229, 3 My
- g U. Appointment of Coal Mine Inspector; salary; duties; mine inspection; health & safety of employees & protection of property. Rep. R.S.'98 t.42 ch.2. 19§ '05 ch.122, 17 Mr
- h W. Va. Creating Dep't of Mines; appointment of Chief & District Mine Inspectors; annual report by Chief to Gov.; \$1500 annual appropriation. Rep.'90 ch.9 §4, '01 ch.106 §1. 5§ '05 ch.46, 24 F
- 2064 Health and comfort of employees
- 2065 Ventilation
 - a Ill. Amdg. '99 p.300 §18 as to test for determining air circulation in mine. 1§ '05 p.324, 13 My
 - b Mo. Coal mine to have current of air for every 50 persons. Adds R.S.'99 § 8801a. 1§ '05 p.237, 13 Mr
 - c Wy. Amdg. '03 ch.23 §6 rel. to ventilation of mines. 1§ '05 ch.61, 20 F
- 2066 Safety of employees
 - a Kan. Com'n of 3 to be appointed by Gov. to investigate cause of coal mine explosions in southeastern Kan.; report to present Leg. '05 ch.534, 18 F
 - b Kan. Safety regulations in coal mine operated on room-and-pillar plan; inspection. 3§ '05 ch.305, 22 F
 - c Nev. Amdg. '79 ch.48 §1 rel. to use of certain safety devices in mines. 2§ '05 ch.98, 17 Mr
- 2067 Blasting
 - See also 1119, Explosives; 1437, Blasting powder
 - a Ill. Coal mine using 2 lb blasts to have experienced shot firer; blasting rules; penalties. 4§ '05 p.328, 18 My
- 2074 Mining signals
 - a Ill. Amdg. '99 p.300 §23 rel. to mine signals. 1§ '05 p.329, 13 My
- 2076 Shafts
 - a Kan. Amdg. '75 ch.115 §1, '99 ch.165 §1 rel. to escape shaft for coal mine. 2§ '05 ch.304, 1 Mr
- 2077 Railways
- 2078 Health of employees
- 2079 Vestibules
 - a Me. Street car platforms to be inclosed from Dec.-Mar.; exceptions. 4§ '05 ch.32, 7 Mr
 - b N. Y. Street ry. co. in Kings or Queens county to inclose platforms from Dec. 1-Ap. 1. Adds §112 to railroad law '90 ch.565. 2§ '05 ch.453, 16 My
- 2080 Safety of employees
 - a Wy. Regulating stringing of wires over steam railroad to protect train men. 1§ '05 ch.81, 21 F

2081 *Hight of bridges and cars. Warning devices*

- a **Kan.** Wires over railroad to be 25 ft from rails; trolley & feed wires, 22 ft.; Bd of Railroad Com'rs to regulate stringing. 3§
'05 ch.356, 4 Mr
- b **Vt.** Amdg. S. §3883: single track railroad bridges & other obstructions to be 22 [20] ft above rails. 1§
'04 ch.91, 10 D
- c **Vt.** Amdg. S. §3884: warnings to be placed on railroads at approach to structure of whatever kind or nature less than 22 ft above rails. 1§
'04 ch.92, 10 D
- d **Wis.** "An act to promote safety of railroad employees by compelling erection of telltales" on bridges or obstructions under 7 ft above top of freight cars. 5§
'05 ch.348, 12 Je

2082 **Sweat shops**

- a **Mass.** Employer of garment maker licensed to work at home to keep register & make monthly report to chief of police. Supplements R.L.ch.106 §56.
'05 ch.238, 30 Mr

2085 **Hours**

See also 2113, Employment

- a **Mass.** Senators & representatives to try to secure amdt. to U. S. Const. allowing Congress to regulate hrs of labor. '05 p.429, 21 Mr
- b **Mon.** Prescribing 8 hr day on public work & in mill, smelter & underground mine; penalty. 3§
'05 ch.50, 1 Mr
- c **N. H.** Amdg. P.S. ch.180 §14: women & minors under 18 employed in factories to work 58 [60] hrs a week during July & Aug. 1§
'05 ch.102, 10 Mr

2086 **Women**

2087 *Bakeries and confectioneries*

- a **N. Y.** Limiting employment in bakery to 10 hrs a day or 60 hrs a week. '07 ch.415 §110, 13 My. *Unconst.* Restricts freedom of contract in manner not justified by police power. *Lochner v. N. Y.* 198 U. S. 45 (1905).

2094 **Mines**

- a **Col.** Working day in underground mine, smelter or ore reduction works or mills or about blast furnace not to exceed 8 hrs. 3§
'05 ch.119, 21 Mr
- b **Mo.** Mining, ore crushing or refining co. to work laborer only 8 hrs in 24. Repealing '03 p.219. 3§
'05 p.236, 10 Ap

2095 **Pharmacists. Drug clerks**

- a **Cal.** Drug clerk not to sell drugs or compound prescriptions more than 60 hrs a week except on emergency call. 4§
'05 ch 34, 28 F

2096 **Public work**

- a **Cal.** Unlawful to employ laborer on gov't work more than 8 hrs in 24; felony for employer to retain portion of wages. Adds Pen.C. §653c-d. 2§
'05 ch.505, 21 Mr
- b **Nev.** Amdg.'03 ch.37 §2 rel. to penalty for violation of 8 hr labor law on public work. 1§
'05 ch. 32, 27 F

LABOR

- c **N. Y.** Limiting labor of employees of contractor for public work to 8 hrs a day. '97 ch.415 §3, 13 My. *Unconst.* Violates const. rights of municipalities. *People v. Grout* 72 N. E. 464 (1904).

2097

Railways

- a **Kan.** Certain railroad employees not to work more than 16 hrs in 24; exceptions. 2§ '05 ch.342, 7 Mr
b **Mo.** Railroad employee except in case of accident to be allowed 8 hrs rest in 24; penalty. 2§ '05 p.112, 25 Mr

2100

Wages

See also 419, Mechanics liens; 451, Exemption from execution; 742, Garnishment

- a **Mass.** Amdg. R.L. ch.106 §65, 66: specification as to work & pay to be furnished cotton operative 3 [7] days after beginning work; contents of specification in textile factory; variations caused by worker; enforcement; penalties. 5§ '05 ch.304, 17 Ap

2101 **Assignment**

- a **Ct.** Assignment of future earnings as security: validity as to attaching creditor. Rep. G.S.'02 §836. 4§ '05 ch.78, 19 My
b **Ill.** Assignment of wages must be in writing & acknowledged; if for longer than 6 mo. or usurious, void. 6§ '05 p.79, 13 My
c **Mass.** "An act rel. to assignment of wages." 1§ '05 ch.308, 20 Ap
d **Minn.** Assignee of wages must give employer written notice within 3 days; if unearned, must be with latter's consent & for not over 60 days; msdr. to charge for collection. 3§ '05 ch.309, 19 Ap
e **Tex.** Occupation tax on traffic in future wages. 5§ '05 ch.111, 15 Ap
f **Wis.** Assignment of salary or wages of married man to be signed by wife & witnessed by 2 disinterested parties; not to extend beyond 2 mo. Adds S. '98 §2313a. 2§ '05 ch.148, 3 My

2103 **Mode of payment: money, company stores, certificates**

See also 462, Money

- a **Mo.** Wages to be paid in money or order redeemable in money R.S.'99 §8142-43. *Unconst.* Abridges freedom of contract. *Leach v. Mo. Tie & Timber Co.* 86 S.W.579 (1905).
b **Nev.** Msdr. for employer to discount time check issued to employees; exceptions. 3§ '05 ch.106, 15 Mr
c **Tex.** Rev.'01 ch.112 prohibiting issuance of merchandise check to employee. 3§ '05 ch.152, 18 Ap
d **Wash.** Amdg.'88 ch.128 §1: laborer to be paid in cash or demand order on leaving employment. 1§ '05 ch.112, 9 Mr

2107

Mines

- a **Kan.** Msdr. to defraud miner by tampering with check number. 2§ '05 ch.214, 3 Mr

2113

Employment

See also 1246(5, Common carriers

- a **Cal.** Rep. Pen.C. §178-79 which prohibited corp. from employing Mongolian labor. 1§ '05 ch.492, 21 Mr

- b N. J. Com'n to be appointed to codify & revise law of master & servant; report to Leg. of 1906. 1§ '05 ch.94, 3 Ap

2113(5) Contracts

- a Ala. Msdr. for employee or lessee abandoning written contract to make similar agreement with other party. '01 p.131, 1 Mr. *Unconst.* Abridges right to contract in manner not within police power. Toney v. State 37 S. 332 (1904).
- b Cal. Amdg. C.C. §49 as to abduction or enticement of servant from master. 1§ '05 ch.70, 7 Mr
- c N. M. Penalty for failure to perform labor or refund after receiving payment in advance. 2§ '05 ch.37, 8 Mr

2113(7) Discharge

See also 21137

- a Mo. Corp. on demand to give employee quitting service after 90 days, letter showing reason for discharge; penalty. 1§ '05 p.178, 14 Ap

2114 Employment offices. Emigrant agents

- a Cal. Amdg.'03 ch.14 §3: employment agent inducing person to move through false representations to refund fee & transportation expenses. Rep. §4. 2§ '05 ch.145, 18 Mr
- b Ct. Educational employment agency need not pay license fee. Supplements G.S.'02 ch.259. 1§ '05 ch.148, 22 Je
- c Ct. Amdg. G.S.'02 §4613 rel. to employment bureau: fees for procuring situation limited to 10% of 1st month's wages [2]; cancellation. 1§ '05 ch.271, 19 J1
- d Mo. Amdg. R.S.'99 §1948: msdr. for employment agent to send female to immoral resort or to retain fee on failing for 3 days to place applicant. 1§ '05 p.129, 6 Ap

2115 Free employment bureaus

- a Mich. Establishing Michigan Free Employment Bureaus in cities of 50,000. 3§ '05 ch.37, 30 Mr
- b Minn. Provision for establishing free Public Employment Bureau in city of 50,000; \$1750 annual appropriation. 5§ '05 ch.316, 19 Ap

2117 Women

- a Mich. Women not to operate emery wheels or belts. Adds §7 to '99 ch.202. 1§ '05 ch.172, 6 Je
- b Pa. Women to be employed in industrial establishment but 12 hrs a day or 60 a week; seats; toilet rooms. 28§ '05 ch.226, 2 My

2118 Children

See also 2172, Children (dependent and neglected); 2270, Compulsory attendance

- a Cal. Employment & hrs of labor of children. 6§ '05 ch.18, 20 F
- b Cal. Rev.C.C. t.4 pt3 div.1: minor of 14 may with his consent be bound as apprentice till majority; filing of contract; treatment; court supervision; enticing from master. 13§ '05 ch.417, 21 Mr
- c Ct. Amdg. G.S.'02 §4705 rel. to age certificate: certificate of foreign born. 1§ '05 ch.115, 6 Je
- d Del. Regulating employment of children. 9§ '05 ch.123, 18 Ap

LABOR

- e **Kan.** "An act . . . prohibiting employment in factories, packing houses & mines of persons under 14 yrs of age & regulating employment in other occupations . . . of persons under 16 yrs of age." 4§ '05 ch.278, 22 F
- f **Mass.** Amdg. R.L. ch.106 §31 rel. to approval of age & schooling certificates of minor. 1§ '05 ch.213, 24 Mr
- g **Mass.** Amdg. R.L. ch.106 §28: minor between 14 & 16 not to be employed without certificate of ability to read & write English. 2§ '05 ch.267, 6 Ap
- h **Mich.** Amdg. '01 ch.113 §2 rel. to employment of children. 1§ '05 ch.171, 6 Je
- i **N. Y.** Amdg. labor law '97 ch.415 §76, 167 rel. to employment certificates of minors: Com'r of Labor may demand of employer of child apparently under 16 same age & birth certificate as of child 14-16. '05 ch.493, 17 My
- j **N. Y.** Amdg. labor law '97 ch.415 §71, 163 so as to permit employment of minors of legal age, when unable to furnish required age & birth certificate; discretionary power given to Bd of Health. 2§ '05 ch.518 17 My
- k **N. Y.** Amdg. labor law '97 ch.415 §174, 177, 179a rel. to children working in street or public place: extending provisions to cities of 1st & 2d class. 4§ '05 ch. 519, 17 My
- m **Or.** Amdg. '03 p.79 rel. to child labor: substituting employer's & age & schooling certificates for parent's affidavit; issue of vacation permits. '05 ch.208, 22 F
- n **Pa.** Amdg. '01 ch. 335 §1: certificate of ability to read & write English may be issued to child worker of 13-16 by any one authorized to administer oath, or by sup't of schools. 1§ '05 ch.98, 10 Ap
- p **Pa.** Prohibiting employment of child under 14 in any establishment; minor under 16 to work but 60 hrs a week or 12 a day; certificates & affidavits. 28§ '05 ch.226, 2 My
- q **R. I.** Amdg. G.L. ch.68 §1, 2, 12: no child under 14 to work in factory or business establishment after Jan. 1, 1907; child of 16 not to work from 8 p. m.-6 a. m.; age & schooling certificate. 5§ '05 ch.1215, 9 Mr
- r **Vt.** "An act rel. to employment of child labor." Amds. S. §712 & rep. §713, 5146. 5§ '04 ch.155, 6 D
- s **W. Va.** Amdg. '87 ch.11 §1 rel. to employment of children: extending provisions to mercantile establishments; minors 12-14 not to be employed during school hrs; enforcement. 4§ '05 ch.75, 23 F
- t **Wis.** Truant officer may visit places where minors are employed & report illegal employment to school authorities & Labor Com'r or Factory Inspector. 1§ '05 ch.246, 25 My

2119

Mines

2121 Children

- a **Ill.** Amdg. '99 p.300 §22: boy under 16 [14] not to work in mine. 1§ '05 p.326, 13 My
- b **Mo.** Amdg. R.S.'99 §8811: no boy under 14 [12] or under 16 [14] if he can not read & write, to work in mine. 1§ '05 p.237, 3 Ap

- c **Mon.** Msdr. to employ or allow child under 16 to work in underground mine. 3§ '05 ch.16, 15 F
- d **Pa.** Employment of children in anthracite coal mines; certificates; form; power to issue; minimum age for workers underground, 16 above ground, 14. 14§ '05 ch.222, 2 My

2125

Employers liability. Insurance*See also* 1732, Insurance; 1762, Industrial insurance

- a **Mon.** Liability of operator of mine, smelter or mill for certain injuries to employee; contrary stipulation void. 4§ '05 ch.23, 20 F
- b **S. C.** "An act to fix . . . liabilities of corp., firm or individual operating relief dep't to employees, & to regulate operation of same." 2§ '05 ch.488, 7 Mr
- c **Wis.** In action brought for personal injuries caused by neglect of employer to guard machinery or premises, continuance in employment with knowledge of unsafe conditions no bar to recovery. Adds S.'98 §1636jj. 1§ '05 ch.303, 5 Je

2126

Railroads

- a **Kan.** Amdg. '03 ch.393: railroad employee to notify co. of injury by fellow servant within 8 mo. [90 days] from discharge from company's hospital or care; service. 3§ '05 ch.341, 3 Mr
- b **Mon.** Railroad liable for injury of employee by fellow servant; contrary stipulation void; survival of action. 3§ '05 ch.1, 16 Ja
- c **Te.x** When defense of assumed risk is available in action against railroad or street ry. for death or injury of employee. 1§ '05 ch.163, 24 Ap

2128

Workingmen's insurance

- a **Ill.** Com'n to be appointed to investigate plan for industrial insurance & workingmen's old age pensions; report to Leg. of 1907. '05 p.401, 4 My

2134

Labor disputes*See also* 749, Injunction

- a **Col.** "An act to prohibit boycotts, blacklisting, picketing, patrolling & other obstruction of or interference with lawful business . . . penalty . . ." 5§ '05 ch.79, 20 Ap

2137

Blacklisting. Membership in unions

- a **Nev.** Msdr. to blacklist discharged employee. 3§ '05 ch.150, 24 Mr

2138

Boycotts. Interference

- a **U.** Msdr. to intimidate employee to prevent entering or remaining in service. 1§ '05 ch.16, 24 F

2140

Charities

BY HELEN PAGE BATES Ph.D.

See also 60, State institutions; 335, Corrections; 583, Corporations not for profit; 1761, Fraternal beneficiary societies

- a **Mass.** Amdg. R.L.ch.81 §41 rel. to decennial return of overseers of poor to State Board of Charity. 1§ '05 ch.115, 28 F

CHARITIES

2143

State institutions (general)

- a **N. Y.** Bd of Charities may transfer inmate of inst. on written approval of Gov. Adds §16a to charities law '96 ch.546. 1§
'05 ch.452, 16 My
- b **Tex.** Amdg. R.C.S.'95 art.146, 152: bds of trustees of state asylums & Confederate Home to hold *monthly* [quarterly] meetings; traveling expenses. 2§
'05 ch.36, 23 Mr

2144

Local boards, officers and institutions

- a **Minn.** Salary of member of county bd of control \$600; bd may appoint almshouse physician at \$5000. 1§
'05 ch.79, 25 Mr
- b **Minn.** Bd of county com'rs may designate 1 member to attend annual State Conference of Charities & Correction. 1§
'05 ch.262, 18 Ap
- c **N. J.** "An act providing for appointment & election of overseer of poor in cities . . . in which power is not conferred by charter . . ." 3§
'05 ch.22, 8 Mr
- d **Wis.** Bd of supervisors in county over 250,000 to elect bd of trustees to have charge of county poor; reports. 6§
'05 ch.94, 20 Ap
- e **Wis.** Amdg. S.'98 §335e: 1500 [500] copies of proceedings of ass'n of trustees & sup't of county asylums to be printed. 1§
'05 ch.221, 22 My
- f **Wis.** Amdg. S.'98 §1512 rel. to county's liability for relief of strangers: giving of notice. 2§
'05 ch.222, 22 My

2145

Private charities and institutions

- a **Ct.** State appropriation to private inst. forfeited on refusal of access to state officials. 2§
'05 ch.226, 6 Jl

2149

Poor relief

See also 260, Vagrancy; 2406, Pensions and relief

- a **Mass.** Amdg. R.L.ch. 81 §4: State Bd of Charity may inspect place where *city or town pauper* is supported in family. 1§
'05 ch.285, 13 Ap
- b **N. J.** Com'n to be appointed to consider revision of poor laws of state; report to Leg. of 1906. 2§
'05 p.565, 3 Ap

2151

Support of pauper. Settlement

- a **Cal.** Amdg. P.C. §2189: indigent patient discharged from State Hospital to be cared for by county of commitment. 1§
'05 ch.180, 18 Mr
- b **Cal.** Amdg. P.C. §2191: indigent nonresident *for 1 yr* committed to State Hospital *may* [must] be returned to place of settlement. 1§
'05 ch.256, 18 Mr
- c **Ct.** Amdg. G.S.'02 §2489: town liable for pauper returning within 7 yrs from time of beginning to acquire settlement in other state. 1§
'05 ch.85, 24 My
- d **Me.** Relief to aliens by town to be within provisions of R.S.'03 ch.27 §33. 1§
'05 ch.142, 23 Mr

- e Minn. Amdg. '89 ch.170 §8 rel. to recovery by municipality from person or place chargeable with pauper's support. 1§
'05 ch.327, 19 Ap
- f Nev. Msdr. to import pauper intending to make him county charge. 4§
'05 ch.11, 20 F
- g Pa. Regulating settlement of paupers; removal to proper district; support by relatives. 6§
'05 ch.82, 6 Ap
- h Pa. Amdg. '36 ch.168 §16 rel. to order for removal of person likely to become public charge to place of settlement. 1§ '05 ch.84, 6 Ap
- i Vt. Amdg. S. §3172 as to recovery by town for support of pauper pending action against town of settlement after notice. 1§
'04 ch.81, 8 D
- j Wis. County district atty., prior to commitment to charitable or penal inst. to investigate place of settlement & financial ability of person to be committed. 1§ Adds S. '98 §584a. '05 ch.285, 1 Je
- k Wis. Amdg. S. '98 §1512: disallowance of claim of county for relief of strangers; appeal. Adds §1512a. 3§ '05 ch.414, 17 Je
- m Wy. Liability of county sending pauper to State Hospital. 2§
'05 ch.19, 10 F

2152

Burial

See also 2411, Pensions and relief

- a Ill. Amdg. R.S.'74 ch.107 §24: town or precinct to bury nonresident pauper dying in limits; recovery from relatives. 1§
'05 p.343, 13 My

2155

Poorhouses

- a Mass. Amdg. '04 ch.274 §1: tramps or vagrants received in work or almshouse without commitment to be confined in separate quarters from pauper inmates. 1§
'05 ch.348, 28 Ap

2156 State poorhouses and officers

- a Mass. "An act rel. to preparation of plans for almshouse buildings." 1§
'05 ch.162, 10 Mr

2157 Local institutions

- a N. J. County may incur bonded debt to build new almshouse. 2§
'05 ch.267, 10 J1
- b Wis. Amdg. S.'98 §1513: judge of Court of Record [of county] may commit to county poorhouse. 2§
'05 ch.73, 11 Ap
- c Wis. State Bd of Control may condemn almshouses dangerous to inmates; removal of inmates. 1§
'05 ch.77, 13 Ap

2160

Sick and disabled

See also 1020, Communicable diseases

2163

Care of sick poor

- a N. Y. Overseer of poor to care for indigent Indian at state expense during epidemic. Adds §30a to public health law '93 ch.661. 1§
'05 ch.303, 22 Ap

CHARITIES

2165

Hospitals

See also 1023, Hospitals for contagious diseases; 1025, Leper home; 1042, Tuberculosis hospital

- a **Mass.** Hospitals receiving state or local aid & certain private hospitals to keep case records. 3§ '05 ch.330, 25 Ap

2166 State hospitals

- a **Mass.** Number of trustees of Mass. State Sanatorium increased to 7, 2 to be women. 1§ '05 ch.159, 9 Mr
- b **Mass.** Expenses for support & removal of patients of Mass. Hospital for Dipsomaniacs & Inebriates or of Mass. Hospital for Epileptics paid by city or town recoverable of place of settlement & of inmate or kindred. 2§ '05 ch.354, 1 My

2168 Local hospitals

- a **Ind.** Amdg. '03 ch.186 §2, 4: county may lease building not in use to hospital ass'n; meetings of hospital bd. 2§ '05 ch.34, 24 F
- b **N. H.** "An act to authorize city of Dover to . . . maintain a hospital . . ." 5§ '05 ch.162, 9 F

2172

Children

See also 346, Reform schools; 371, Juvenile offenders; 445, Guardianship; 474, Family; 2118, 2121, Employment

- a **Ari.** Removal of child from custody of parent or guardian for neglect or abuse. 2§ '05 ch.16, 24 F
- b **Cal.** Msdr. to send minor under 18 to saloon or disorderly house. Adds Pen.C. §273. 1§ '05 ch.75, 7 Mr
- c **Cal.** Penalty for abandoning child; prohibiting unjustifiable or cruel punishment; employment; separate confinement while under arrest; commitment. Amds. Pen.C. §270, 272; adds §271a, 273, 273a-e; rep. §1389. 10§ '05 ch.568, 22 Mr
- d **Col.** Parent not relieved of support of minor child by commitment to inst.; exam. to determine ability to contribute. 4§ '05 ch.126, 10 Ap
- e **Fla.** County judge may commit dependent & neglected child to care of corp.; corp. may place out children. 3§ '05 ch.99, 5 Je
- f **Ill.** Commitment & placing out of dependent & delinquent children; records. 4§ '05 p.86, 13 My
- g **Me.** Neglected children: commitment; persons to enforce; sale of intoxicants; disorderly houses; exhibitions; begging; penalties. Amds. R.S.'03 ch.61 §45, 46 & ch. 63 §7; & rep. ch.61 §48. 10§ '05 ch.123, 21 Mr
- h **Mass.** Minor under care of State Bd of Charity to be allowed to adhere to religious belief of parents. 2§ '05 ch.464, 25 My
- i **Mich.** Amdg.'81 ch.260 §2: child under 17 [16] or school pupil not permitted in saloons, gambling houses, etc. 1§ '05 ch.236, 16 Je
- j **Mon.** Amdg. Pen. C. §471, 473 rel. to cruelty to or abandonment & neglect of child. 3§ '05 ch.6, 3 F
- k **Okl.** Care of dependent & neglected boys under 15 & girls under 16 by children's aid societies. 14§ '05 ch.14, art.1, 13 Mr

2174 **Crippled and deformed children**

- a Ill. School district may establish classes of 15 or more for crippled children from 6-21; teachers' qualifications. Rep.'03 p.314. 4§ '05 p.372, 18 My
- b Minn. Designating 3 com'rs to consider advisability of establishing state hospital for indigent, crippled & deformed children in Ramsey county on donation of site; report to Leg. of 1907. 6§ '05 ch.78, 25 Mr
- c Minn. Designating 3 com'rs to consider advisability of establishing state hospital for indigent, crippled & deformed children in Hennepin county on donation of site; report to Leg. of 1907. 6§ '05 ch.203, 15 Ap
- d Neb. Establishing State Hospital for Crippled, Ruptured & Deformed Children, to be located at Lincoln in Home for Friendless; organization & management; biennial report by bd to Gov.; appropriation. 8§ '05 ch.80, 3 Ap

2177 **State institutions**

- a Ct. Amdg. G.S.'02 §2846 rel. to support of girls at State Industrial School. 1§ '05 ch.107, 25 My
- b Kan. Soldiers' Orphans Home to admit other orphans up to capacity. 1§ '05 ch.481, 3 Mr
- c Or. Amdg. Ann. C. & S. §3599: appropriating \$6000 [\$2000] annually for support of indigent orphans under 14; provisos. 1§ '05 ch.135, 21 F
- d Pa. Establishing Thaddeus Stevens Industrial & Reform School for Indigent Orphans at Lancaster; organization & management; \$50,000. 11§ '05 ch.429, 11 My

2178 **State Indian schools**

- a N. Y. Amdg.'95 ch.38 §1: changing name of "Thomas Asylum for Orphan & Destitute Indian Children" to "Thomas Indian School." 1§ '05 ch.67, 17 Mr

2179 **Local and private institutions**

- a Ct. Commitment of child to temporary home. 2§ '05 ch.194, 29 Je
- b Kan. Amdg. G.S.'68 ch.79 §32 rel. to education of children in poor asylums. 1§ '05 ch.385, 18 F
- c Wis. Amdg.'99 ch.34 §2, 6 rel. to homes for dependent children: powers of trustees as to indenture or adoption. 2§ '05 ch.108, 22 Ap

2182 **Placing out. Care of infants**

- a Ill. Bd of Charities to appoint State Agent & 2 assistants to visit children placed in family homes; removal; inspection of inst. 9§ '05 p.34, 13 My
- b Mass. Amdg. R.L. ch.81 §5, 7: pauper child over 2 [4] to be placed by city or town in family or asylum; child may be kept in almshouse if under 5 [8] & mother is inmate. 2§ '05 ch.303, 17 Ap

CHARITIES

- c **Neb.** Regulating care of infants under 2 yrs: annual permit required if care given during childbirth, or infants boarded; receipt & disposition of children; inspection of premises by health officer or county physician; penalties. 3§ '05 ch.99, 3 Ap
- d **N. Y.** Reports of child placed in family home to be sent to State Board of Charities. Adds §141a to poor law '96 ch.225. 1§ '05 ch.273, 22 Ap
- e **Pa.** Msdr. to buy or sell infant. 1§ '05 ch.154, 18 Ap

2183

Defectives

For marriage of, *see* 477

- a **Cal.** Changing name of Deaf, Dumb & Blind Asylum at Berkeley to Cal. Inst for Deaf & Blind. Adds P.C. §2236; amds. §2237. 2§ '05 ch.382, 20 Mr
- b **Id.** Rep.'91 p.226 §1, '99 p.162 §1 which appropriated \$3000 annually for education of deaf, dumb & blind. 2§ '05 p.380, 6 Mr
- c **Nev.** Amdg.'69 ch.56 §1, 2, 4 rel. to state provision for education of indigent blind, deaf or dumb at any Cal. inst. 3§ '05 ch.147, 24 Mr
- d **N. H.** Amdg.'03 ch.65 §1 rel. to annual appropriation for support & education of [indigent] deaf, dumb & blind. 1§ '05 ch.106, 10 Mr
- e **N. D.** County to pay \$50 semiannually for each patient at Hospital for Insane or Inst. for Feeble Minded; reimbursement of county from parties responsible for support. 4§ '05 ch.76, 6 Mr
- f **Pa.** Joint leg. committee of 8 to investigate capacity & condition of inst. for defectives receiving state aid. '05 ch.146, 18 Ap
- g **Vt.** Amdg. S. §856: annual appropriation of \$20,000 [\$11,000] for benefit of defective children of indigent parents. 1§ '04 ch.51, 14 N
- h **Wash.** Changing name of State School for Defective Youth at Vancouver to State School for the Deaf & Blind. 1§ '05 ch.139, 9 Mr
- i **W. Va.** Amdg.'04 ch.23 §2, 8, 10 rel. to West Virginia Asylum: membership of bd of directors; admission. 3§ '05 ch.66, 28 F

2184

Deaf and dumb

- a **Ill.** School district may establish classes of 3 for deaf children from 3 to 21; teachers' qualification. Rep.'97 p.290. 4§ '05 p.373, 18 My
- b **Mich.** Rev. '99 ch.176 rel. to establishment of day schools for deaf. 7§ '05 ch.224, 16 Je

2186

State institutions

- a **Ill.** Amdg. '75 p.104 §1: changing name of Ill. Inst. for Education of Deaf & Dumb to Ill. School for Deaf. 1§ '05 p.87, 13 My
- b **Ind.** Amdg. '03 ch.217 §5-7 rel. to purchase of land for relocation of Inst. for Education of Deaf & Dumb. 3§ '05 ch.138, 6 Mr

2188

Blind

- a **Ct.** State Bd of Education for the Blind: report; membership; inspection of Ct. Institute for the Blind. 4§ '05 ch.66, 18 My

- b **Mass.** Extending time for report of com'n on registration & industrial training of adult blind to Jan. 15, 1906. '05 r.1, 16 Ja
- c **Wis.** "An act to further provide means of self-support to adult blind artisans & means of instruction to those desiring to become artisans..." 4§ '05 ch.345, 12 Je

2191

State institutions

- a **Ill.** Amdg. '75 p.104 §1: changing name of Ill. Inst. for Education of the Blind to Ill. School for Blind. 1§ '05 p.87, 13 My

2193

Insane

See also 60, State institutions; 446, Guardianship

- a **Fla.** Com'n to be appointed to consider relocation of State Hospital for Insane & improved methods of treatment; report to Leg. of 1907. 3§ '05 ch.83, 5 Je
- b **Mich.** \$5000 annual appropriation for maintaining at State Univ. clinical laboratory for research in neural pathology. 9§ '05 ch.140, 25 My
- c **N. Y.** Amdg. insanity law '96 ch.545 rel. to management of state hospitals: abolishing bds of visitation & creating bds of managers; [powers of managing bds vested by '02 ch.26 in State Lunacy Com'n]. 29§ '05 ch.490, 17 My

2198

State asylums

- a **Del.** Limiting powers of bd of trustees of State Hospital at Farnhurst: erection of buildings prohibited; moneys received aside from regular appropriation to be paid into state treasury quarterly. 4§ '05 ch.122, 21 Mr
- b **Id.** Establishing Northern Idaho Insane Asylum: com'n to locate site & award contracts; 40,000 acre land grant as permanent fund, also \$30,000 loan authorized; organization & management. 18§ '05 ch.196, 7 Mr
- c **Ind.** Establishing Southeastern Hospital for Insane; com'n to locate site & supervise construction; managing bd; \$560,000. 11§ '05 ch.29, 21 F
- d **Me.** Accepting conveyance from U. S. of Kennebec Arsenal property to be used by Me. Insane Hospital at Augusta. 2§ '05 ch.175, 24 Mr
- e **Me.** Trustees of insane hospitals may take possession of Widows' Island & use for treatment of certain patients. 2§ '05 ch.176, 24 Mr
- f **Mass.** Transfer of insane patients to Foxborough State Hospital. 1§ '05 ch.400, 12 My
- g **Okl.** Establishing Okl. Hospital for Insane at Fort Supply Military Reservation; organization & management; biennial report to Leg. 26§ '05 ch.20 art.1, 1 Mr
- h **S. D.** Establishing Northeastern Hospital for the Insane at Watertown; organization & management. '05 ch.138, 2 Mr; '05 ch.139, 8 Mr
- i **S. D.** Amdg. P.C. §313: steward of hospital for insane to retain \$1000 from money received as incidental cash fund. 2§ '05 ch.166, 8 Mr

CHARITIES

2199 Institutional boards, officers and employees

- a Cal. Amdg. P.C. §2153a rel. to employment of woman physician in State Hospital for Insane & Home for Feeble Minded Children; qualifications of physicians & internes. 1§ '05 ch.88, 7 Mr
- b Me. Trustees of insane hospitals may appoint treasurer. Supplements R. S. '03 ch. 144. 1§ '05 ch.130, 22 Mr
- c N. D. Amdg. R.C. '99 §992 as to pay of resident officers of State Hospital for Insane. 2§ '05 ch.119, 13 Mr

2200 Local asylums and officers

- a N. J. Bd of chosen freeholders may by $\frac{2}{3}$ vote consolidate county hospitals for insane. 4§ '05 ch.60, 27 Mr
- b Wis. Amdg. S. '98 §604a as to election, term & filling of vacancies of trustees of county asylums for insane. 1§ '05 ch.141, 3 My

2201 Care outside of asylums

- a Mass. Amdg. R.L. ch.87 §102-5 rel. to family care for insane: inst., public or private under supervision of State Bd of Insanity, may place out harmless inmates [placing out only by bd]. 4§ '05 ch.458, 25 My

2202 Private asylums

- a N. Y. Member of State Com'n in Lunacy or medical inspector may visit private sanatorium to ascertain whether insane person is confined unlawfully. Adds §7a to insanity law '96 ch.545. 1§ '05 ch.497, 17 My

2203 Support. Right of admission

See also 2151, Support of pauper

- a Cal. Amdg. P.C. §2197 rel. to action by State Com'n of Lunacy for support of patient. 1§ '05 ch.189, 18 Mr
- b Ct. Amdg. G.S. '02 §2779 rel. to price for keeping insane pauper & amount payable by state. 1§ '05 ch.186, 29 Je
- c Mass. Amdg. R.L. ch.87 §53, 54 rel. to admission of voluntary patients to insane hospitals. 2§ '05 ch.432, 22 My
- d Mich. Amdg. '03 ch.217 §38: rate of charge for support of insane at state inst. to be fixed annually by institutional board & Bd of State Auditors. 1§ '05 ch.221, 13 Je
- e Wash. Nonresident insane person to be sent home at state expense. 2§ '05 ch.138, 9 Mr
- f Wis. Amdg. S. '98 §604e, 604q rel. to support by husband of insane wife committed to asylum; collection of costs. 2§ '05 ch.376, 14 Je

2204 State support

- a Me. Amdg. R.S. '03 ch.144 §24: expenses & compensation of mun. officers caring for insane paid by state where no legal settlement. 1§ '05 ch.10, 15 F
- b Me. Amdg. R.S. '03 ch.144 §18 rel. to support by state of inmates of hospitals for insane. 1§ '05 ch.31, 28 F

2205

Inquest. Commitment. Discharge

- a Ari. Bd of Supervisors to pay physician \$5 for exam. in insane case by order of Probate Court. 2§ '05 ch.27, 9 Mr
- b Col. Amdg. G.S.'83 §2232: county atty. or special atty. appointed by county judge to prosecute lunacy proceeding for state; guardian ad litem of alleged lunatic may waive notice of exam. 1§ '05 ch.123, 10 Ap
- c Ct. Laws concerning commitment of insane to hospital at Middletown to apply to Norwich Hospital & state hospitals hereafter established. 1§ '05 ch.81, 19 My; '05 ch.116, 6 Je
- d Ct. Amdg. G.S.'02 §2740 rel. to selection of physicians examining as to sanity. 1§ '05 ch.102, 25 My
- e Ct. Rev. law rel. to commitment of insane paupers. Rep. G.S.'02 §2742-43, '03 ch.188. 9§ '05 ch.196, 29 Je
- f Ct. State to pay cost of committing soldier, sailor or marine to hospital for insane; proviso. 1§ '05 ch.229, 13 Jl
- g Del. Admission of insane persons to State Hospital at Farnhurst; appointment of examining physicians. 4§ '05 ch.121, 3 Ap
- h Fla. Amdg. '95 ch.36 §4 as to commitment of insane to Florida Hospital [Asylum] for Insane; proviso. 1§ '05 ch.85, 7 Je
- i Mass. Amdg. R.L. ch.87 §39 rel. to application for commitment of insane person or epileptic. 1§ '05 ch.436, 23 My
- j Mass. Amdg. R.L. ch.87 §49 rel. to expenses of commitment of inmates of certain public insts. to inst. for insane. 2§ '05 ch.475, 26 My
- k Minn. Deaf or dumb person examined for sanity shall have interpreter at expense of county. 2§ '05 ch.47, 18 Mr
- m Minn. Amdg. '89 ch.46 §277 rel. to fees in commitment of lunatic to state inst. 2§ '05 ch.57, 23 Mr
- n Minn. Amdg. '93 ch.5 §19: in county of 150,000 probate judge may refer lunacy exam. to court com'r for full action. 1§ '05 ch.85, 30 Mr
- p Or. Amdg. Ann. C. & S. §3619-20 rel. to commitment of idiots & insane persons to asylum. 4§ '05 ch.125, 21 F

2206 Transportation. Transfer

- a N. J. Female attendant to accompany insane female transferred from one state inst. to another. 2§ '05 ch.74, 30 Mr

2207

Discharge. Parole. Recommitment

- a Ct. Court may revoke order of commitment of insane person to asylum. Amds. G.S.'02 §2741. 1§ '05 ch.225, 6 Jl; '05 ch.253, 19 Jl
- b Mass. Amdg. R.L. ch.87 §95: sup't or keeper of inst. for insane may grant 6 mo. [60 days] leave of absence to patient in charge of friends. 1§ '05 ch.435, 23 My
- c Minn. Amdg. '97 ch.212 §2: patient of insane hospital found sane after exam. to be discharged by *bd of control* [trustees] at their discretion [forthwith]. 2§ '05 ch.341, 19 Ap
- d N. H. Amdg. P. S. ch.10 §27: parole & recommitment of patients of N. H. State Hospital. 1§ '05 ch. 101, 10 Mr

EDUCATION

2208

Discipline

- a Ct. Penalty for aiding escape of inmate of hospital or sanatorium for insane. 1§ '05 ch.110, 6 JI

2210

Epileptics

- a Ct. Committee to be appointed to investigate methods of treatment of epileptics; report to Leg. of 1907; \$300. 3§ '05 special acts ch.450, 18 JI
- b Mich. Removal of feeble-minded or epileptic from State Home. Adds '93 ch.209 §30. 1§ '05 ch.121, 17 My

2213 State asylums and colonies

- a Ind. Establishing State Village for Epileptics: location of site; organization & management; \$150,000. 22§ '05 ch.159, 6 Mr
- b N. Y. Amdg. charities law '96 ch.546 §107 subdiv.11 rel. to autopsies at Craig Colony for Epileptics. 1§ '05 ch.458, 16 My

2215

Feeble-minded

See also 446, Guardianship

- a N. H. Amdg. '01 ch.102 §1: female inmates of State School for Feeble-minded Children may be detained after minority. 2§ '05 ch.23, 16 F

2218 State institutions

- a Mass. Authorizing state refund to certain small towns for support of certain feeble-minded paupers. Rep. R.L. ch.87 §81. 2§ '05 ch.282, 13 Ap
- b N. D. Amdg. '03 ch.108 §8, 12 rel. to Inst. for Feeble-minded: furnishing of transportation; reimbursement; compensation of bd of trustees. 3§ '05 ch.120, 16 Mr
- c Or. State Bd of Public Building Com'rs to purchase site & plan for Institute for Feeble Minded Children. 6§ '05 ch.181, 21 F
- d R. I. Joint leg. committee appointed to consider feasibility of erecting state school for feeble-minded children; report to Leg.; \$500. '05 r.93, 11 Ja; '05 r.94, 12 Ap
- e Wash. Establishing State Inst. for Feeble Minded near Medical Lake; abolishing feeble-minded dep't of State School for Defective Youth; \$62,500. 11§ '05 ch.70, 6 Mr

2220

Education. Science. Culture

See also 1714(5), School savings banks; 2184, Deaf and dumb; 2188, Blind

2223

Elementary and secondary education

- a Cal. Amdg. P.C. §1532 rel. to duties of Sup't of Public Instruction. 1§ '05 ch.185, 18 Mr
- b Fla. Schools: system of instruction to cover 12 yrs; grades; curriculum; state aid to high schools. 12§ '05 ch.11, 20 My
- c Me. Misc. amdts. to R.S.'03 ch.15 rel. to education. 14§ '05 ch.48, 11 Mr

- d Mich. Amdg.'81 ch.164 pt2 §14, pt3 §10, 22, 23, pt 4 §3 rel. to schools: annual meeting of school district; tax levy; census; reports to Sup't of Public Instruction. 5§ '05 ch.36, 29 Mr
- e Mich. Amdg.'81 ch.164 pt 1 §1, 3 rel. to duties of Sup't of Public Instruction. 2§ '05 ch.72, 25 Ap
- f Mich. Amdg.'91 ch.147 §5, 6, 8, 10: teachers certificates; duties of county com'r of schools. 4§ '05 ch.148, 1 Je
- g Minn. Bd of education in city of 50,000 forming special district may regulate school matters within limits of charter. 2§ '05 ch.268, 18 Ap
- h N. C. Misc. amdots. to '01 ch.4 rel. to public schools. 23§ '05 ch.533, 6 Mr
- i N. D. Amdg. R.C.'99 §370, 652-53, 657, 695, 757, 759, 761 rel. to education: county sup't of schools; grading & employment of teachers; teachers institutes; compulsory attendance. 8§ '05 ch.100, 13 Mr
- j Or. Compensation & duties of county school sup'ts in counties having 20,000 children from 4 to 20 yrs of age; exam. of teachers; institutes. 6§ '05 ch.3, 17 Ja
- k Or. School laws enacted at 23d session to be compiled, annotated & printed for distribution. '05 p.437, 16 F
- m Or. Amdg. Ann.C. & S. §3390, '03 p.86 §1 rel. to local educational meetings; officers; district consolidation. 6§ '05 ch.210, 22 F
- n Pa. Control, administration & support of public schools in city of 1st class. 11§ '05 ch.186, 22 Ap
- p Tex. Rev. R.C.S.'95 t.86 ch.7-16 rel. to public schools. 179§ '05 ch.124, 15 Ap
- q Wash. Amdg.'97 ch.118 §23, 137, 141, 145, 175 rel. to appointment of assistant school sup'ts; temporary & special teachers certificate; apportionment of school fund; taxes. 5§ '05 ch.56, 3 Mr
- r Wash. Amdg.'97 ch.118 §77-78, 92, 95, 97, 119-20 rel. to district school elections; powers of bd of directors; sale of school bonds. 7§ '05 ch.142, 9 Mr
- s Wis. Amdg.'03 ch.37 §6 rel. to duties of State Sup't of Public Instruction. 2§ '05 ch.241, 23 My
- t Wis. Electors of school district to provide for additional room & teacher on enrolment of 65 pupils in school of 1 room. 3§ '05 ch.256, 25 My
- u Wis. School law applying to cities of 1st class. 21§ '05 ch.273, 1 Je

2225

Meetings. Elections. Suffrage

- a Cal. Amdg. P.C. §1883 as to marking of ballot in election for issuance of district school bonds. 1§ '05 ch.196, 18 Mr
- b Cal. Amdg. P.C. §1600 as to oath in swearing in challenged vote in election for school trustee. 1§ '05 ch.362, 20 Mr
- c Del. Reenacting '98 ch.67 §14 rel. to date of annual school meetings in Kent & Sussex counties. Rep.'01 ch.114. 1§ '05 ch.91, 13 Ap

EDUCATION

- d Ill. Amdg. '89 p.239 art.6 §8: bd of education may establish voting precincts. 1§ '05 p.373, 12 My
- e Kan. Amdg. '03 ch.426 §1 rel. to time for holding annual meeting in school districts. 2§ '05 ch.380, 3 F
- f Mich. Amdg. '97 ch.185: proceedings of annual school meetings to be published by *1st Mon. in Aug.* [3d Mon. in Sep.]. 2§ '05 ch.305, 17 Je
- g Neb. Amdg. C.S.'03 §5429: notices of *special* meetings of school districts to be posted 15 days prior thereto; notice. 2§ '05 ch.130, 3 Ap
- h N. D. Amdg. R.C.'99 §670, 674 rel. to date & notice of election of school district officers. 2§ '05 ch.104, 7 Mr
- i Okl. Amdg. S.'03 §6149 rel. to notice of school meetings: 10 days' notice of annual or special meeting to be given by posting in 5 [3] public places. 1§ '05 ch.33 art.3, 11 Mr
- j Okl. Qualifications of electors of school officers in city of 1st class; school officers to be on separate ballots. 3§ '05 ch.9 art.2, 13 Mr
- k U. Amdg. R.S.'98 §1806, 1809 rel. to calling of meeting for certain school elections & canvass of votes. 2§ '05 ch.69, 9 Mr
- m Vt. Time for holding annual meeting of school district in town having an incorporated school district. 2§ '04 ch.43, 9 D
- 2226 Voting qualifications**
- a Cal. Amdg. P.C. §1598 rel. to qualifications of electors voting for school trustee. 1§ '05 ch.361, 20 Mr
- b Wy. Amdg. R.S.'99 §536: special school tax appropriation & district bonding to be voted on only by holders of tax receipts. 1§ '05 ch.68, 20 F
- 2227 Districts. Formation. Division. Consolidation**
See also 2272, Consolidation of schools
- a Cal. Amdg. P.C. §1577 rel. to formation of school districts. '05 ch.344, 20 Mr
- b Ct. Amdg. G.S.'02 §2221 rel. to apportionment of property in formation of joint school district. 1§ '05 ch.17, 19 Ap
- c Ct. Payment of debts of joint school district; consolidated school districts returning to district system to be the same district as formerly & liable for debts. 2§ '05 ch.137, 15 Je
- d Fla. Special school tax district may be abolished, extended or contracted by majority vote of electors; proviso. 2§ '05 ch.18, 29 My
- e Ga. County bd of education to divide county in school districts; vote on school tax; election of trustees. 9§ '05 p.425, 23 Ag
- f Mich. Amdg. '95 ch.215 pt 32 §1 rel. to school district in city of 4th class. 1§ '05 ch.106, 10 My
- g Minn. School district of 12 land sections with 2 incorporated villages may be enlarged by inclusion of 12 additional sections. 3§ '05 ch.46, 16 Mr
- h Minn. Amdg. '01 ch.371 §1: in counties of 225,000 & those adjoining, school district may be formed with \$50,000 property valuation & 15 children; consolidation. 2§ '05 ch.183, 15 Ap

- i N. Y. Amdg. school law '94 ch.556 t.8 §30 as to consolidation of school districts. 1§ '05 ch.258, 21 Ap
- j N. D. Amdg. R.C.'99 §786 rel. to annexation of outside territory to special school district. 1§ '05 ch.99, 9 Mr
- k Okl. Consolidation of school districts on $\frac{1}{2}$ vote of residents of each district. 9§ '05 ch.33 art.1, 10 Mr
- m Pa. Dividing school districts into 4 classes to correspond with classification of cities. 1§ '05 ch.187, 22 Ap
- n S. D. Independent school district located in city which has incorporated under gen. law to reorganize as city school district. 3§ '05 ch.101, 8 Mr
- p S. D. Amdg. P.C. §2323: county com'rs may organize one or more congressional townships into 1 school district. 1§ '05 ch.102, 8 Mr
- q Tex. Amdg. R.C.S.'95 art. 3938 as to alteration of school district boundary. 1§ '05 ch.88, 13 Ap
- r U. Creating county school districts of 1st class on administrative basis of 2d class city. 55§ '05 ch.107, 9 Mr
- s Wis. Amdg. S.'98 §413 rel. to formation of school districts: unintentional omission to notify $\frac{1}{2}$ of voters of purpose of meeting not to invalidate notice. 2§ '05 ch.268, 25 My

2228

Officers. Boards

- a S. D. Submitting amdt. to Const. 1889 art.9 §7: Leg. may impose additional qualifications for school sup'ts consistent with Const. art. 7 §9. Vote Nov. 1906. 1§ '05 ch.68
- b U. Amdg. R.S.'98 §1778, 1781 rel. to biennial report of State Sup't of Public Instruction & calling for *annual* [biennial] convention of city & county sup'ts. 2§ '05 ch.78, 9 Mr
- c Vt. Person engaged in traffic in intoxicating liquors ineligible for office connected with management of schools; certain pharmacists exempted. 1§ '04 ch.48, 1 D; '04 ch.49, 10 D
- d Wis. Amdg. S. '98 §704 as to salary, expenses & bond of county & *district* school sup'ts. 3§ '05 ch.518, 17 Je

2229 State

- a Ari. Amdg. R.S.'01 §2130 rel. to composition of Bd of Education. 1§ '05 ch.22, 4 Mr
- b Cal. Amdg. P.C. §515 rel. to appointment & salary of clerical assistants to Sup't of Public Instruction. 1§ '05 ch.198, 18 Mr
- c Ct. Amdg. G.S.'02 §4811: salary of *chief clerk* [clerk] of State Bd of Education, \$1800. 1§ '05 ch.251, 19 Jl
- d Neb. Amdg. C.S. '03 §819: official bond of Deputy Sup't of Public Instruction, \$10,000. 2§ '05 ch.12, 1 Ap
- e Nev. Sup't of Public Instruction may employ stenographer; \$75 a mo. 2§ '05 ch.110, 7 Mr
- f N. H. Adding §11 to P.S. ch.94: Sup't of Public Instruction allowed traveling expenses not to exceed \$150 per annum. 1§ '05 ch.58, 9 Mr
- g N. Y. Amdg. '92 ch.378 §7: 6 [10] Regents of Univ. of State of N. Y. to constitute quorum. 1§ '05 ch.161, 8 Ap

- h Pa. Sup't of Public Instruction may employ additional stenographer & typewriter. 1§ '05 ch.11, 2 Mr
- i Wis. State Sup't of Education to appoint inspector of rural schools; salary \$2000. 3§ '05 ch.499, 20 Je
- 2230 County
- a Del. Amdg. '98 ch.67 §5: salary of county school com'r \$75 [\$30] a mo. 1§ '05 ch.88, 13 Ap
- b Ill. Amdg. '72 p.420 §27 rel. to salary of county sup't of schools. 1§ '05 p.260, 16 My
- c Ind. Qualifications of county school sup't; salary \$4.50 a day. 3§ '05 ch.163, 7 Mr
- d Kan. Amdg. G.S.'01 §3028 rel. to compensation of county sup't of schools. 2§ '05 ch.229, 8 Mr
- e Minn. Where salary of county sup't of schools is under \$1400 he may be allowed traveling expenses of not over \$250 & \$50 for holding teachers institutes. 3§ '05 ch.182, 15 Ap
- f Neb. Amdg. C.S.'03 §5509: person eligible to office of county sup't must hold 1st grade county certificate in force at time of election; county under 1000 excepted. 2§ '05 ch.134, 4 Ap
- g N. J. Amdg. '03 (2d ex. sess.) ch.1 §23: salary of county sup't of schools \$2000 [\$8 for each teacher; not less than \$1300 nor over \$2000]. 1§ '05 ch.269, 7 Ag
- h Pa. Amdg. '03 ch.166 §1, 2 rel. to annual meeting of county school directors; *compensation \$2 a day for attendance*. 2§ '05 ch.105, 10 Ap
- i U. Amdg. R.S.'98 §1785: county sup't to file reports of school inspection with State Bd of Education. 1§ '05 ch.64, 9 Mr
- j Wis. Residence in city of 3d or 4th class within school district no disqualification for holding office of county sup't of schools. Adds S.'98 §461cc. 1§ '05 ch.46, 29 Mr
- k Wis. County or district sup't of schools to call annual school bd convention; allowance for attendance. Adds S.'98 §461 subdiv.g. 2§ '05 ch.105, 22 Ap
- 2231 District, township and municipal
- a Cal. Amdg. P.C. §1593 rel. to election of district school trustees. 1§ '05 ch.54, 3 Mr
- b Cal. Amdg. P.C. §1615 rel. to election of trustees of joint school district. 1§ '05 ch.58, 3 Mr
- c Cal. Appointment & salary of clerk of school bd in certain districts. Adds P.C. §1576a. 1§ '05 ch.410, 20 Mr
- d Ct. Amdg. G.S.'02 §2215-16 rel. to number & election of town school committee of consolidated district. 2§ '05 ch.97, 24 My
- e Id. Amdg. '99 p.85 §82: pay of clerk of school bd of independent district. 2§ '05 p.71, 21 F
- f Ill. Election & duties of inspectors of schools in certain districts. Rep. '93 p.176. 6§ '05 p.381, 12 My
- g Ind. Common council in city under 50,000 to elect 3 school trustees; proviso. 3§ '05 ch.141, 6 Mr

- h Me.** Amdg. R.S.'03 ch.15 §40: towns having 20 [25] — 50 schools may unite in employing sup't. 1§ '05 ch.55, 15 Mr
- i Mass.** "An act to reorganize school committee of Boston." 4§ '05 ch.349, 28 Ap
- j Mich.** Amdg. '95 ch.215 pt 32 §2: annual election of trustees of bd of education in city of 4th class to be on *1st Mon. of July* [1st Tues. of Sep.]. 1§ '05 ch.231, 16 Je
- k Minn.** Sup't of special school district may be elected at any time. 2§ '05 ch.251, 18 Ap
- m N. J.** Amdg. '03 (ex. sess.) ch.1 §40 as to election of bd of education in municipalities adopting art.6 gen. school law '03 (ex. sess.). ch.1 1§ '05 ch.38, 17 Mr
- n N. D.** Amdg. R.C.'99 §681 rel. to meetings of district school bds. 1§ '05 ch.102, 1 Mr
- p Okl.** Amdg. S. '93 §5843: proceedings on failure of treasurer of bd of education in city of 1st class to make monthly report. 2§ '05 ch.33 art.17, 25 F
- q Pa.** Borough or township school bd to elect sec. within 20 days after organization. 2§ '05 ch.197, 22 Ap
- r Pa.** Amdg. '54 ch.610 §5 as to petition of city council to Court of Common Pleas to increase membership of school bd to 3 for each ward. 1§ '05 ch.239, 4 My
- s U.** Amdg. R.S.'98 §1905: msdr. for member of bd of education of city to receive more than his salary from school fund. 2§ '05 ch.40, 7 Mr
- t Vt.** Amdg. S. §615 as to filing of certificate of appointment of town sup't of schools. 1§ '04 ch.34, 16 N
- u Wis.** District school sup't to receive same salary as fixed by county supervisors for county sup't. 1§ '05 ch.252, 25 My
- v Wis.** Amdg. S. '98 §492 as to officers of free high school districts: election in districts composed of 1 town & incorporated village. 2§ '05 ch.329, 12 Je
- w Wis.** Amdg. '03 ch.360 rel. to appointment, duties & qualifications of school sup'ts in cities other than 1st class: membership of school bd of education. 4§ '05 ch.388, 17 Je
- x Wis.** Amdg. '99 ch.317 §1 as to membership of school district bds. 1§ '05 ch.421, 19 Je

2233

Buildings. Grounds

- a Kan.** Bd of education in city of 2d class may issue 5% bonds to purchase sites or erect school buildings. Rep. G.S. '01 §6319. 2§ '05 ch.398, 8 Mr
- b Mich.** Amdg. '81 ch.164 pt 8 §1 rel. to designating or changing number of sites for schoolhouses. 1§ '05 ch.75, 1 My
- c Mich.** Amdg. '81 ch.164 pt 6 §1 rel. to issuance of bonds for school site or building by school district. 1§ '05 ch.270, 16 Je
- d N. Y.** City or village may insure state normal or training school from loss by fire on refusal of state to do so. 2§ '05 ch.252, 21 F

EDUCATION

- e **Okl.** Schoolhouse in district containing town or village may be relocated on petition of $\frac{1}{3}$ voters & by $\frac{2}{3}$ vote. 2§
'05 ch.33 art.13, 13 Mr
 - f **Or.** "Authorizing district boundary bd of several counties . . . to condemn lands for public school purposes." 2§ '05 ch.61, 10 F
 - g **S. C.** County school bd to appropriate \$50 for each \$100 privately subscribed, up to \$300, to build schoolhouse. 6§ '05 ch.452, 22 F
 - h **S. D.** Officers of school district to plant & encourage planting of shrubs & trees on school grounds by children, & where stock runs at large to inclose with fence. 2§ '05 ch.104, 31 Ja
 - i **S. D.** Amdg. P.C. §2386: 2 or more school districts consolidating, may issue bonds to amount of \$3000 for graded central school building; amount not to exceed 4% of assessed valuation. 2§
'05 ch.162, 28 F
 - j **Tenn.** Bd of education of city of Chattanooga to have management of school buildings & grounds. 2§ '05 ch.388, 14 Ap
 - k **Vt.** Amdg. S. §816-17 rel. to appeal from location of land taken by selectmen for school purposes or from award of damages. 2§
'04 ch.46, 28 O
 - m **W. Va.** Amdg. C. ch.45 §33 rel. to annual inspection of school-houses & sites. 1§ '05 ch.70, 18 F
 - n **Wis.** Amdg. S. '98 §475 rel. to loans for erection of school buildings. 2§ '05 ch.172, 8 My
 - p **Wis.** Electors of town free high school district to vote on providing & equipping school buildings after filing petition. 1§
'05 ch.351, 12 Je
 - q **Wis.** School districts & bds of education may organize mutual fire & tornado insurance co. to insure school buildings & contents. 16§
'05 ch.373, 14 Je
- 2234 Plans**
- a **Pa.** Detailed plans showing lighting, heating & ventilation to be drawn for any school costing over \$4000; building rules. 4§
'05 ch.193, 22 Ap
- 2235 Sanitation**
- a **U.** Sanitary rules for outhouse on school grounds not connected with sewer. 1§ '05 ch.66, 9 Mr
 - b **Vt.** State Bd of Health may condemn unsanitary school building or outhouse. 2§ '04 ch.44, 17 N
- 2236 United States flag**
- a **N. M.** Public school to own & display U. S. flag; Feb. 12 to be celebrated as Flag day; daily flag salute. 4§ '05 ch.48, 10 Mr
 - b **Okl.** Msdr. for city bd of education or school district bd not to display U. S. flag in schoolhouse. 3§ '05 ch.33 art.6, 10 Mr

2237

General school finance

For finance of state educational institutions, *see* 2333

2239

State and local

2240 Funds. Lands. Taxes

See also 774, Public lands

- a Fla. Annual appropriation of \$18,047.01 for payment of interest on state bonds held by educational funds of state as permanent investments. 1§ '05 ch.106, 5 Je
- b Ill. Amdg. '89 p.239 art.7 §9 as to disposal of surplus of teachers institute fund. 2§ '05 p.385, 12 My
- c Ind. Annual tax levy of 11.6c on each \$100 assessed valuation of property for common school fund; apportionment. 9§ '05 ch.32, 24 F
- d Kan. Amdg. '03 ch.74 rel. to exchange of permanent school fund bonds. 2§ '05 ch.473, 4 Mr
- e Kan. Amdg. G.S.'01 §7307-9, 7311-16 rel. to accounts & investment of permanent school, agricultural, normal & univ. funds. 12§ '05 ch.472, 8 Mr
- f Me. Amdg. R.S.'03 ch.15 §97: appropriation for schools in unorganized townships \$7000 [\$5000]. 1§ '05 ch.45, 8 Mr
- g Mich. Amdg. '81 ch.164 pt 4 §14 rel. to assmt. of school tax. 1§ '05 ch.16, 15 Mr
- h Minn. Amdg. '97 ch.83 §7 rel. to loan of permanent school or univ. funds to county, municipality or school district. 1§ '05 ch.8, 10 F
- i Minn. Manner of paying state appropriations in aid of schools. 4§ '05 ch.142, 11 Ap
- j Minn. Amdg. '99 ch.352 §23, 25, 28 rel. to state aid to rural schools. 3§ '05 ch.296, 19 Ap
- k Mon. Amdg. '01 p.3 §1 rel. to special tax to repay certain school loans. 2§ '05 ch.2, 27 Ja
- m N. J. Amdg. '03 ch.208 §24-26 as to rate of taxation for school & gen. purposes. 3§ '05 ch.83, 31 Mr
- n N. M. Amdg. '99 ch.74 §30 rel. to preference rights of ex-U. S. soldier, his heir or widow in leasing certain land reserved for schools. 1§ '05 ch.90, 16 Mr
- p N. M. Amdg. C.L.'97 §1534 rel. to levy of local school tax. 2§ '05 ch.109, 16 Mr
- q N. Y. Amdg. state finance law '97 ch.413 §80 as to deficit or surplus in educational funds. 1§ '05 ch.587, 19 My
- r N. D. Amdg. R.C.'99 §185 rel. to publication of notices of sales of school lands. 1§ '05 p.161, 6 Mr
- s N. D. Referring to Leg. of 1907 amdt. to Const. 1889 §158 rel. to sale of school lands; provisos. 1§ '05 p.350, 6 Mr
- t N. D. Amdg. R.C.'99 §180: salary of Com'r of Univ. & School. Lands, \$1800 [\$1500]. 1§ '05 ch.127, 9 Mr
- u Pa. State forest preserves subject to charge of 3c an acre for schools & 2c for roads. 2§ '05 ch.81, 5 Ap

EDUCATION

- v S. D. Amdg. P.C. §385 rel. to issue of patent for school land sold.
2§ '05 ch.145, 4 F
- w S. D. Amdg. P.C. §369 rel. to action to be taken on failure of lessee of school land to pay rental. Levy on judgment in action on school lands. 3§ '05 ch.160, 4 F
- x Tenn. Amdg. '03 ch.105 §1: annual amount of surplus from state treasury set aside for school purposes limited to \$300,000; \$50,000 to be expended in lengthening sessions to 6 mo.; apportionment to counties conditioned on additional tax levy of 2½ mills. 9§
'05 ch.213, 8 Ap
- y U. Where maximum tax of school district is less than \$300, state to supply deficiency. 3§ '05 ch.121, 17 Mr
- z Vt. Creating permanent common school fund with nucleus of \$240,000 received from U. S. on war claims. 8§ '04 ch.42, 9 D
- 21 W. Va. Amdg. '93 ch.24 §6, 19 rel. to sale of lands for school fund: proceedings for sale of forfeited, waste, unappropriated & escheated lands. 2§ '05 ch.42, 23 F
- 22 Wis. Amdg. '01 ch.439 §9 rel. to special state aid to graded schools: town free high schools excepted. 2§ '05 ch.289, 1 Je
- 23 Wis. Amdg. '01 ch.439 §10: \$80,000 [\$60,000] annually for state aid to graded schools of 1st & 2d class. 1§ '05 ch.332, 10 Je
- 2241 Investment of funds**
- a Id. Submitting amdt. to Const. 1889 art.9 §11: school funds may be invested in county, mun. or school district bonds or state warrants. Vote Nov. 1906. 2§ '05 p.438, 23 F
- b Nev. Referring to Leg. of 1907 amdt. to Const. 1864 art.11 §3: school funds may be invested in bonds of any city or county in U. S. 1§ '05 p.277, 13 Mr
- c N. D. Amdg. Const. 1889 §162: school funds may be invested in county, township or mun. bonds. Vote Nov. 1906. 1§
'03 p.294, 24 F; '05 p.349, 2 Mr
- d N. D. Referring to Leg. of 1907 amdt. to Const. 1889 §162: school funds may be invested in drainage bonds or bonds of states not having repudiated indebtedness. 1§ '05 ch.101, 25 F; '05 p.351, 25 F
- e S. D. Amdg. P.C. §402: school funds may be invested in township bonds; loan on 1st mortgage on farm land not to exceed \$5000 [\$1000] nor ½ [⅓] value of land. 2§ '05 ch.161, 24 Ja
- 2242 Apportionment**
- a Ari. Apportionment of school fund where district schoolhouse has been destroyed. 1§ '05 ch.66, 16 Mr
- b Cal. Amdg. P.C. §1858 rel. to apportionment of school fund. 1§ '05 ch.64, 6 Mr
- c S. C. Enrolment in night school to be counted in apportionment of funds. 2§ '05 ch.483, 9 Mr
- d Vt. Amdg. '02 ch.30 §1: amount reserved from school tax for distribution among towns raising higher percentage tax, \$45,000 [\$15,000]. 1§ '04 ch.41, 1 D

2243 **Sectarian schools**

- a Or. Clerks of school districts to report number of resident children between 4 & 20 as basis for apportionment of school funds. 1§
'05 ch.121, 18 F

2244 **County, district and municipal**

- a Cal. Amdg. P.C. §1543 as to requisitions by county school sup't for expenses; form of approval of demand. 1§ '05 ch.402, 20 Mr
b Cal. Amdg. P.C. §1817-18, 1820 rel. to county & city & county school tax. 3§ '05 ch.468, 21 Mr
c Id. School district may issue warrants for payment of teachers & other necessary expenses, total not exceeding 95% of income for the yr; warrants to draw 7% interest. 5§ '05 p.93, 24 F
d Id. Amdg. '99 p.85: annual financial statements to be made by school district bds of trustees. 3§ '05 p.319, 10 Mr
e Ind. County com'rs may order expense of searching title or recording mortgage of loan of school fund to be county charge. 4§
'05 ch.28, 21 F
f Ind. Amdg. '65 ch.1 §12 rel. to levy of special township school tax. 1§ '05 ch.162, 7 Mr
g Kan. Amdg. G.S. '01 §6127 as to power of district school meeting to levy tax. 2§ '05 ch.381, 3 Mr
h Kan. Amdg. '76 ch.122 art.11 §18 rel. to school tax in city of 2d class. 2§ '05 ch.399, 9 Mr
i Minn. School district of 20,000-50,000 may levy tax of 9 mills. 1§ '05 ch.25, 2 Mr
j Mon. Amdg. P.C. §2000: school library fund may be used for current school expenses in certain cases. 2§ '05 ch.14, 14 F
k Neb. Amdg. C.S. '03 §5437: annual school district levy limited to 2½%. 2§ '05 ch.131, 29 Mr
m Neb. County sup't to levy school tax on failure of voters to make provision at annual district meeting; regulations. 1§
'05 ch.143, 30 Mr
n N. H. Amdg. P.S. ch.88 §1 as to levy of town school tax. 1§
'05 ch.48, 8 Mr
p N. D. Deposit of city or school district funds. 18§
'05 ch.105, 16 Mr
q Okl. Amdg. S. '03 §6262: bd of education of city of 1st class to levy school tax of 20 [15] mills. 2§ '05 ch.33 art.8, 15 Mr
r Pa. School district may sell property deeded to it by academy which has received public funds; investment of proceeds. Supplements '62 ch.466. 4§ '05 ch.38, 24 Mr
s Pa. Amdg. '54 ch.610 §35 as to compensation of assessor for levying school tax on persons coming into district after regular asmt. 1§
'05 ch.90, 8 Ap
t Pa. Amdg. '95 ch.291 §3: library tax to be included in school tax levy on same subjects of taxation. 1§ '05 ch.167, 20 Ap
u Tenn. County trustees not to pay warrants issued for school supplies by school district directors unless approved by County Court & clerk of county. 4§ '05 ch.64, 17 Mr

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- v U. Amdg. R.S. '98 §1815: school tax not to exceed $\frac{1}{2}$ [$\frac{1}{2}$] of 1%; voting additional funds for *school books*. 1§ '05 ch.83, 9 Mr
- w W. Va. Amdg. C. ch.45 §38, 40 rel. to school levy for building & teachers funds. 2§ '05 ch.67, 15 F
- x Wis. Amdg. S. '98 §776 subdiv.1: additional 2% [1%] school tax may be levied in town under township system of schools. 1§ '05 ch.13, 17 Mr
- y Wis. Amdg. '99 ch.162: 3 *voters* [taxpayers] to be appointed at annual school district meeting to audit accounts of school bds. 2§ '05 ch.78, 13 Ap
- z Wis. Amdg. S. '98 §471 rel. to assmts. in joint school districts. 1§ '05 ch.307, 5 Je
- zi Wy. Amdg. R.S. '99 §531 ¶5 rel. to power of district school meeting to vote money. 1§ '05 ch.91, 21 F

2245 Debts

- a Cal. "An act to provide for registration of bonds issued by common school, high school, or union high school districts." 2§ '05 ch.120, 18 Mr
- b Fla. County school bd may borrow money for payment of school warrants. 4§ '05 ch.19, 1 Je
- c Ill. Amdg. '01 p.294 §1, 4 rel. to issue of school district bonds. 2§ '05 p.371, 30 Mr
- d Kan. Amdg. G.S.'01 §6142: if bonded debt of disorganized school district can be compromised new district may issue refunding bonds. 2§ '05 ch.383, 22 F
- e Kan. School bonds may be retired before maturity. 1§ '05 ch.72, 7 Mr
- f Minn. Amdg. G.S.'94 §3688: school district may issue bonds when authorized by *majority* [$\frac{1}{2}$] vote of annual or special meeting. 1§ '05 ch.272, 18 Ap
- g Mon. Amdg. P.C. §1961 rel. to issuance of school bonds. 1§ '05 ch.28, 21 F
- h Neb. Amdg. Ann.S.'03 §10823 as to school bonds in districts with 100-150 [200] children limited to \$5000, districts with 150 [200] or more children, to 10% of assessed valuation of district. 2§ '05 ch.138, 23 F
- i Neb. Amdg. '79 p.176 §1: school district may issue 6% [7%] refunding bonds redeemable in 5 yrs from date of issuance. 2§ '05 ch.139, 30 Mr
- j N. M. Amdg. C.L.'97 §1541 rel. to bonds for building schoolhouses. 1§ '05 ch.81, 15 Mr
- k S. D. Amdg. P.C. §2424: bd of education may issue bonds to fund any outstanding debt. 1§ '05 ch.103, 2 Mr

2247

Teachers

- a N. M. Teachers' licenses; exam.; temporary permits; county institutes. Amds.'01 ch.27 §2, '03 ch.119 §3, ch.120 §1. 7§ '05 ch.73, 14 Mr

2250 Teachers associations

- a Mass. Amdg. R.L. ch.40 §4 as to state bounty for county teachers educational meeting. Rep. §5. 2§ '05 ch.260, 5 Ap
- b Mo. Amdg. R.S.'99 §9960: county com'r may [shall] organize county teachers' ass'n. 1§ '05 p.301, 31 Mr

2253 Employment. Pay

- a N. H. Amdg. P.S. ch.92 §3, 4: school bd may [shall] dismiss immoral [unsuitable] teacher after fair hearing; teacher wrongfully dismissed may recover full salary. 2§ '05 ch.59, 9 Mr
- b N. H. Amdg. '99 ch.77 §4 rel. to number of teachers in school supervisory districts. 1§ '05 ch.115, 10 Mr
- c Okl. Amdg. S.'03 §6187 rel. to employment of teachers: contracts with district bd binding till legal discharge. 1§ '05 ch.33 art.2, 13 Mr
- d Or. Public school teacher to give 30 days' written notice before resigning; exceptions. 1§ '05 ch.42, 9 F
- e U. Amdg. R.S.'98 §1844 rel. to dismissal of teacher for failure to attend teachers institute. 1§ '05 ch.72, 9 Mr

2254 Salaries

- a Del. Amdg. '98 ch.67 §27: teachers in unincorporated districts may be paid \$40 [\$35] a mo. 1§ '05 ch.89, 16 Mr
- b W. Va. Amdg. C. ch.45 §6: increasing salaries of teachers. 1§ '05 ch.69, 21 F

2255 Pensions

- a N. J. Appropriating \$15,000 annually for expenses of bd of trustees of teachers retirement fund. Supplements '03 (ex. sess.). ch.1 2§ '05 ch.95, 3 Ap
- b N. Y. Establishing pension fund for retired school teachers in city of Rochester. 10§ '05 ch.608, 25 My

2258 Qualifications

- a Cal. Amdg. P.C. §1775 as to licensing of kindergarten teacher without exam. 1§ '05 ch.383, 20 Mr
- b Fla. Amdg. '03 ch.99 §1: county school sup't may hold special exam. & issue temporary certificate to teachers; proviso. 2§ '05 ch.20, 24 My
- c Ill. Rep. '89 p.239 art.6 §29 which allowed city of 30,000-100,000 to examine & license public school teachers. 1§ '05 p.383, 12 My
- d Ill. Amdg. '89 p.239 art.7 §3: candidate for county teachers license to be examined in civics & Ill. history. 1§ '05 p.383, 12 My
- f Kan. Amdg. '03 ch.425 §1 as to indorsement & acceptance of 2d or 3d grade county teachers certificate in another county. 2§ '05 ch.393, 25 F
- g Kan. Amdg. '03 ch.424 §1: professional certificate to qualify person as member of county bd of examiners. 2§ '05 ch.390, 3 Mr

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- h Kan.** Teachers license may be revoked by authority which granted it for cause which would have justified withholding at time of issue. 1§ '05 ch.392, 7 Mr
- i Kan.** Amdg. '03 ch.424 §2 rel. to county exam. for teachers certificates. 5§ '05 ch.391, 9 Mr
- j Mich.** Amdg. '01 ch.166 §1, 2 rel. to qualifications of kindergarten, music & drawing teachers. Adds §3. 3§ '05 ch.24, 20 Mr
- k Mich.** Amdg. '91 ch.147 §4 rel. to dates for holding teachers exam. in the several counties. 1§ '05 ch.99, 10 My
- m Minn.** Teacher to file certificate with sup't of county employing. 2§ '05 ch.137, 11 Ap
- n Mon.** Amdg. P.C. §1912: public school teacher must be citizen or have taken out 1st papers. 3§ '05 ch.77, 3 Mr
- p Neb.** Rev. law regulating certification of teachers. Rep. Ann.S.'03 §11111-15, 11139-40; amds. §11180. 20§ '05 ch.135, 30 Mr
- q Nev.** Amdg. '93 ch.92 §1: exam. for teachers license to continue not more than 4 [3] days. 1§ '05 ch.43, 7 Mr
- r N. D.** Amdg. R.C. '99 §737-39, 741-42, 744 rel. to teachers certificates. 6§ '05 ch.107, 13 Mr
- s Okl.** Amdg. S.'03 §6203 as to time of holding teachers exam. 2§ '05 ch.33 art.5, 10 Mr
- t Okl.** Amdg. S.'93 §3404 rel. to teachers certificates: exam. to be *held annually at normal schools* [after 22 weeks attendance at State Normal School]; certificate valid in county where school is located; diploma of normal school to be life certificate to teach in any school. 2§ '05 ch.25 art.1, 15 Mr
- u S. D.** Amdg. P.C. §2294 rel. to validity of teachers certificates; qualifications. 2§ '05 ch.100, 10 Mr
- v S. D.** Amdg. P.C. §2284-90 rel. to teachers certificates; exam.; credentials; fees. 8§ '05 ch.99, 11 Mr
- w U.** Exam. & licensing of county school teachers. Rep. R.S. '98 §1794-98. 8§ '05 ch.71, 9 Mr
- x Vt.** "An act rel. to special teachers certificates." 1§ '04 ch.33, 30 N
- y Vt.** Sup't of education may act temporarily as examiner of teachers in certain cases. 1§ '04 ch.31, 1 D
- z Vt.** Permits to teach in town public schools. Supplements S. §662. 4§ '04 ch.35, 8 D
- 21 Wis.** Rep. S. '98 §461e-f, 461h, 461j & amdg. §461g: abolishing teachers exam. fee, \$1. 2§ '05 ch.52, 29 Mr
- 22 Wis.** Teachers certificates. Adds S. '98 §458i-l. 5§ '05 ch.231, 22 My
- 23 Wis.** Amdg. '03 ch.222 rel. to renewal of certificates of primary teachers without exam. 2§ '05 ch.248, 25 My
- 2259 State credentials**
- a Id.** Certain graduates of State Univ. to receive state teachers certificate. 3§ '05 p.169, 8 Mr

- b **Id.** Amdg. '99 p.85 §4 rel. to awarding of state certificates & diplomas: certificate to be granted only to applicant holding a valid 1st grade county certificate; diploma, only to one holding valid state certificate; fees. 1§ '05 p.83, 9 Mr
- c **Ill.** Amdg. '89 p.239 art.7 §2, 7 rel. to state teachers license. 2§ '05 p.384, 12 My
- d **Kan.** Teacher must register state certificate in county or city where employed. 7§ '05 ch.394, 25 F

2263

Institutes

- a **Cal.** Amdg. P.C. §1560 as to joint teachers institute. 1§ '05 ch.57, 3 Mr
- b **Cal.** Amdg. P.C. §1564 rel. to expenses of teachers institute. 1§ '05 ch.148, 18 Mr
- c **Mon.** Amdg. P.C. §1903 rel. to county teachers institutes & closing of schools during sessions. 3§ '05 ch.60, 2 Mr
- d **Okla.** Amdg. S. '03 §6292: county com'rs on recommendation of county sup't to allow \$100 for expenses of county normal institute. 1§ '05 ch.33 art.10, 4 Mr
- e **Pa.** City teachers institute to be held any 5 days or 10 half days during term at pleasure of sup't of schools. 1§ '05 ch.164, 20 Ap
- f **Tenn.** Amdg. '73 ch.25 §7: schools in county may be suspended 1 day a yr for attendance at teachers conference without deduction of salary. 1§ '05 ch.10, 30 Ja
- g **Wis.** Teachers county institute fund; certification of institute conductor; distribution of fund. 6§ '05 ch.476, 20 Je

2264 Training classes

- a **Mich.** Amdg. '03 ch.241 §3-6 rel. to county normal training classes. 4§ '05 ch.20, 16 Mr
- b **Wis.** Amdg. '03 ch.338 §5, 6: state aid to county training schools for teachers; limited to 12 [8] schools approved by State Sup't; \$3500 [\$2000] for each school yr; certificates to graduates. 3§ '05 ch.509, 20 Je

2266

Normal schools

- a **Cal.** Amdg. P.C. §1489: normal school trustees to establish model kindergarten *at their discretion*; report to *Sup't of Public Instruction* [Gov.]. 1§ '05 ch.31, 28 F
- b **Del.** Amdg. '03 ch.341 §2 rel. to scholarships at state normal schools: each county school com'r may select scholar resident in *state* [own county] on approval of sup't of public schools in county of residence. 1§ '05 ch.90, 20 Mr
- c **Id.** Amdg. '99 p.228 §2 rel. to appointment of bd of trustees of State Normal School at Albion. 1§ '05 p.129, 27 F
- d **Ill.** Apportionment of scholarships for state normal schools; registration & exam. of applicants. Rep '95 p.69 §13; '99 p.72 §13. 5§ '05 p.379, 12 My

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- e **Kan.** Bd of regents of State Normal School to prescribe 3 yr course for training of teachers; licenses. 3§ '05 ch.388, 4 Mr
- f **Me.** Amdg. R.S. '03 ch.15 §113: 8 [7] trustees, State Normal School; 6 [5] appointed by Gov. 1§ '05 ch.11, 16 F
- g **Me.** Amdg. '03 ch.223 §1 private laws: change of name of Aroostock State [County] Normal School. 1§ '05 private laws, ch.313, 21 Mr
- h **Minn.** Normal schools to be under control of State Normal School Bd [Bd of Control of State Inst.]. 8§ '05 ch.119, 7 Ap
- i **Minn.** Establishing dep't of pedagogy at State Univ. 1§ '05 ch.120, 7 Ap
- j **Mo.** Establishing Fourth District Normal School in southwest Mo. 8§ '05 p.297, 17 Mr
- k **Mo.** Establishing Fifth District Normal School in northwest Mo. 8§ '05 p.299, 25 Mr
- m **Tenn.** \$250,000 toward maintenance of George Peabody College for Teachers to be established at Nashville; provisos. 3§ '05 ch.211, 8 Ap
- n **Vt.** Amdg. '98 ch.22 §6: annual appropriation to each state normal school \$7500 [\$5500]. 1§ '04 ch.32, 1 D
- p **Wash.** Amdg. '97 ch.118 §215, 220-23 rel. to normal schools. 5§ '05 ch.85, 6 Mr
- q **Wis.** Provision for establishing State Normal School at La Crosse; \$10,000 for site. 2§ '05 ch.121, 26 Ap
- r **Wis.** Amdg. S. '98 §393, 395, 398, 401 rel. to bd of regents of normal schools. 4§ '05 ch.168, 3-My

2267

Attendance

- a **Vt.** Amdg. S. §717 rel. to town aid of child kept from school because of insufficient clothing. 1§ '04 ch.40, 6 D

Colored pupils, *see* 2246

2270

Compulsory attendance. Truancy

See also 2118, Employment (children)

- a **Cal.** Amdg. '03 ch.270 §1 rel. to compulsory school attendance. 1§ '05 ch.333, 20 Mr
- b **Ct.** Amdg. '03 ch.29: enforcement of school attendance by State Bd of Education. 1§ '05 ch.36, 2 My
- c **Kan.** Compulsory school attendance of deaf or dumb minor from 7-21. 3§ '05 ch.384, 9 Mr
- d **Mass.** Amdg. R.L. ch.44 §1: children from 14-16 unable to read & write simple English sentences to attend public school. 1§ '05 ch.320, 21 Ap
- e **Mich.** Rev. '95 ch.95 rel. to compulsory education. 7§ '05 ch.200, 13 Je
- f **Minn.** Amdg. '99 ch.226 §1: compulsory school attendance from 8-18 [16]. 1§ '05 ch.265, 18 Ap

- g** Mo. Compulsory school attendance at least half time; exceptions; truant & reform schools; attendance officers; prohibiting employment of child during school hours. 9§ '05 p.146, 11 Ap
- h** Neb. Minor amdt. to Ann.S. '03 §11293 rel. to compulsory school attendance. 2§ '05 ch.140, 3 Ap
- i** Neb. Amdg. C.S. '03 §5783 rel. to truant officers: bds of education in cities & *metropolitan cities* shall appoint 1 or more officers; prosecution in school districts, other than city & metropolitan city districts; fines. 2§ '05 ch.141, 4 Ap
- j** N. J. Amdg. '03 (ex. sess.) ch.1 §153, 158 rel. to compulsory school attendance; duties of truant officer. 2§ '05 ch.180, 20 Ap
- k** N. J. District bd of education may pay magistrates fee of 50c for warrant against parents of truant. Supplements '03 (ex. sess.) ch.1. 1§ '05 ch.188, 20 Ap
- m** N. Y. Amdg. school law '94 ch.556 t.16 §5, 7, 9-10 rel. to employment of children; attendance officers; truant schools & withholding money by Com'r of Education. 4§ '05 ch.280, 22 Ap
- n** N. Y. Amdg. school law '94 ch.556 t.16 §8: truant officer may enter factory or mercantile house during business hrs to examine certificates of children employed. 1§ '05 ch.311, 22 Ap
- p** N. C. Compulsory school attendance of Indians from 7-17 residing on Cherokee reservation. 5§ '05 ch.213, 17 F
- q** Or. Compulsory attendance of certain children at school furnishing tuition, lodging, food & clothing at U. S. expense. 9§ '05 ch.202, 22 F
- r** Tenn. Compulsory school attendance law for Union & Claiborne counties. 10§ '05 ch.483, 17 Ap
- s** U. Amdg. R.S. '98 §1916, 1962-63: child from 8-16 [14] to attend school: *30 weeks a yr in cities of 1st & 2d class*; associate examiners. 3§ '05 ch.95, 9 Mr
- t** Vt. Amdg. S. §711, 716 rel. to school attendance & truancy. 2§ '04 ch.39, 1 D
- u** Vt. Amdg. S. §710 rel. to appointment of truant officers. 1§ '04 ch. 38, 6 D
- v** Wash. Compulsory school attendance from 8-15; exceptions; prohibiting employment of child during school term; attendance officers; commitment to reform school. 12§ '05 ch.162, 11 Mr
- w** W. Va. Compulsory attendance in school district of Wheeling. Adds §32 to '72 ch.11. 1§ '05 ch.32, 11 F
- x** Wis. Compulsory attendance of pupils at schools on U. S. reservations. 5§ '05 ch.330, 10 Je

2272 Place of attendance. Conveyance of pupils. Consolidation of
schools

See also 2227, Districts

- a** Id. Amdg. '99 p.85 §5: pupil may attend school in district having nearest school building. 1§ '05 p.218, 9 Mr

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- b **Kan.** Amdg. G.S. '01 §6132-33: district school bd may arrange for attendance at school in another district at total cost of \$45 [\$25] annually; child of property owner free. 3§ '05 ch.386, 8 Mr
- c **Mass.** Amdg. R.L. ch.44 §4 rel. to recovery by city or town of tuition from nonresident parent sending child to public school. 1§ '05 ch.375, 5 My
- d **Minn.** "An act to provide optional plan for counties to consolidate rural schools . . . organization & gov't . . . transportation of pupils at public expense." 11§ '05 ch.326, 19 Ap
- e **Mo.** Children in public inst. in city of 100,000 may be educated in public school. 1§ '05 p.301, 13 Mr
- f **Okl.** Transfers of students from one school district to another may be made for period not exceeding 1 yr. 11§ '05 ch.33 art.14, 13 F
- g **Tex.** Amdg. R.C.S. '95 art.3993b: children of legislators deemed residents of capital city for purpose of attending school. 1§ '05 ch.40, 24 Mr
- h **Vt.** Amdg. S. §685 as to decision by referees on appeal by interested party from unsatisfactory provision for school accommodations & for transportation of pupils. 2§ '05 ch.36, 8 D
- i **Wis.** School bd on vote taken at district meeting may levy tax for transportation of pupils to & from school & payment of tuition; 3 yr contracts. Adds S '98 §430 subdiv.20. 4§ '05 ch.54, 29 Mr

2274

School census

- a **Mich.** Amdg. '81 ch.164 pt 3 §22a rel. to penalty for giving false information for school census. 1§ '05 ch.208, 13 Je
- b **Nev.** Amdg. '65 ch.145 §32 subdiv.3 rel. to form & approval of school census report. 1§ '05 ch.45, 2 Mr
- c **N. H.** Amdg. '95 ch.46 §1: annual enumeration of children between 5 & 16 to be made in *Sep.* [Oct.]. 1§ '05 ch.91, 10 Mr
- d **N. M.** Compensation of school census taker; penalty for false enumeration. 3§ '05 ch.23, 2 Mr
- e **N. D.** Amdg. R.C. '99 §707 rel. to annual school census: names, age & addresses of deaf & dumb, blind & feeble-minded children from 5-25; separate reports to sup't of several state institutions for defectives. 1§ '05 ch.103, 13 Mr
- f **S. D.** Amdg. P.C. §396 rel. to school enumeration forming basis for apportioning school funds; pupils of model & state schools excluded in enumeration. 1§ '05 ch.158, 7 Mr
- g **S. D.** Clerk of school district to take annual census of children from 6-21 & file with county sup't before 1st Mon. in June as basis for apportionment of school fund. 6§ '05 ch.64, 8 Mr

2275

School year, month, day

- a **Fla.** School with average attendance of 80% to receive state aid to extend school term 2 mo.; proviso. 4§ '05 ch.10, 1 My

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- b Fla. Amdg. '93 ch.82 §3: county school failing to make up lost time of school term within next school yr to forfeit financial apportionment. 2§ '05 ch.15, 31 My

2277 Students. Discipline

2280 Fire drills

- a Vt. Monthly fire drills to be held in every school of 50 pupils; notice to teachers; penalty. 4§ '04 ch.47, 14 N

2281 Physical condition. Medical inspection

- a Vt. Sight & hearing of school children to be tested annually & parents of defectives notified. 2§ '04 ch.45, 17 N

2282 Textbooks. Supplies

See also 2360, School libraries

- a Cal. State Textbook Committee to appoint a sec.; salary \$2500. Adds P.C. §1874a. 2§ '05 ch.582, 22 Mr
b Ind. Amdg. '93 ch.93 §13 rel. to revision of public school textbooks; contracts. 2§ '05 ch.95, 4 Mr
c Mo. Rep. R.S. '99 §9969-82: schoolbook com'n, abolished. 1§ '05 p.302, 10 Ap
d N. C. State Bd of Education may spend \$5000 a yr to encourage & procure control of publication of books on history, literature & gov't of state for use in public schools. 2§ '05 ch.707, 4 Mr
e Okl. Regulating sale of schoolbooks & supplies. 11§ '05 ch.33 art.11, 4 Mr
f S. C. County school sup't to select suitable depository for textbooks. 1§ '05 ch.441, 22 F
g Wis. Amdg. S. '98 §440 rel. to choice of textbooks in district schools. 2§ '05 ch.443, 19 Je

2283 Free textbooks

- a Ct. Towns to vote in 1905 as to free textbooks & school supplies. 1§ '05 ch.174, 29 Je

2288 Curriculum

- a Ari. Amdg. '03 ch.46 §1: any school district [1000 pupils] may employ teachers of drawing & music. 2§ '05 ch.12, 21 F
b Kan. Amdg. G.S. '01 §6214: State Bd of Education to prescribe course of study for normal institutes & public schools. 2§ '05 ch.387, 7 Mr
c Okl. Children in public schools to be taught ethics & humane treatment of animals & birds; vivisection prohibited. 6§ '05 ch.33 art.12, 4 Mr
d Or. Providing for uniform 8th grade exam. for pupils who have followed state course of study. 6§ '05 ch. 75, 13 F

EDUCATION

2302 Humane treatment of animals

- a N. D. Humane treatment of animals to be taught in public schools. 2§ '05 ch.108, 6 Mr
- b Pa. $\frac{1}{2}$ hr a week during 1st 4 yrs of public school instruction to be devoted to teaching kindness to birds & animals; demonstrations in physiology with living subject forbidden. 3§ '05 ch.41, 27 Mr

2308 Physical culture

- a Pa. Amdg. '85 ch.145 §1: city of 2d or 3d class may establish school for training in mechanic arts & in athletics. 1§ '05 ch.36, 24 Mr

2310 Physiology. Alcohol. Narcotics

- a N. D. Amdg. R.C.'99 §648, 750 rel. to nature & effect of alcoholic drinks & other narcotics to be taught in schools. 2§ '05 ch.106, 13 Mr
- b S. D. Systematic instruction in effects of alcoholic drinks & narcotics to be given in all grades of public schools; to be included in exam. for teachers license; textbooks. 5§ '05 ch.105, 6 Mr

Trades and manual training

See 2550

2316 Special kinds of schools

See also 2184, Deaf and dumb; 2188, Blind; 2266, Normal schools; 2342, Professional and technical education

2321 Kindergarten

- a Fla. Establishment of kindergarten connected with public school where 25 pupils guaranteed; teacher to be training school graduate. 4§ '05 ch.16, 31 My

2323 Lectures. University extension

- a Ind. Mun. park bd may permit use of public park 30 days annually for Chautauqua assembly. 1§ '05 ch.77, 3 Mr
- b Mass. Boston may establish a "Franklin Union" similar to "Cooper Union" N. Y. 2§ '05 ch.448, 24 My
- c Wis. Amdg. '01 ch.336 §1: city bd of school directors or bd of education may provide for free evening lectures on natural sciences, historical, literary & other educational topics in school, library or other places. 4§ '05 ch.125, 29 Ap

2327 High schools and academies

- a Ill. Amdg. '89 p.239 art.3 §38 as to high school districts in certain townships divided by navigable stream. 1§ '05 p.386, 29 Ap
- b Ill. Organization of high school district. 8§ '05 p.374, 12 My
- c Ind. Amdg. '89 ch.222 §1: com'rs in county under 25,000 to accept gift of \$20,000 [\$30,000] for high school. 1§ '05 ch.16, 17 F
- d Kan. City of 2d class may charge high school tuition fee. '89 ch.224, 2 Mr. Unconst. "Common schools" as used in Const. art.6 §2 means free schools. Bd of Education v. Dick 78 P. 812 (1904).
- e Kan. Maintenance & regulation of high school in city under 16,000. 10§ '05 ch.397, 25 F

- f Kan. Amdg. '86 ch.147 §11: high school courses to be 4 [3] yrs; collegiate course to fit for college dep't of State Univ. 2§
'05 ch.389, 7 Mr
- g N. H. Amdg. '01 ch.96 §4 as to definition of "high school" & "academy." 1§
'05 ch.19, 15 F
- h N. H. High schools discontinued or relocated only by Superior Court on petition and notice. 1§
'05 ch.20, 15 F
- i N. H. Town having high school must appropriate sufficient to maintain it. 1§
'05 ch.72, 9 Mr
- j N. H. Amdg. '01 ch.96 §6: school district may contract for tuition in academy, *high school or other literary inst. in the state.* 2§
'05 ch.90, 10 Mr
- k Pa. "Permitting children, residing in school districts in which no public high school is maintained, to attend high school in some other district, located near their homes; providing for payment of cost of tuition & schoolbooks." 1§
'05 ch.23, 16 Mr
- m Vt. *Every town* [of 25,000] shall maintain high school or otherwise provide higher instruction *at cost not exceeding \$24 per annum for each pupil*; proportion of fees paid by state. Rep. S. §701-2 & '02 ch.27. 6§
'04 ch.37, 29 N
- n Wis. Establishment of joint free high school district to be submitted to vote on petition by 10% of electors. Adds S.'98 §491c. 1§
'05 ch.174, 8 My
- p Wis. Amdg. S.'98 §490 as to notice of election for voting on establishing free high schools in district containing incorporated village. 1§
'05 ch.258, 25 My
- q Wy. "An act to provide free high school districts, and . . . schools therein, and to provide for their maintenance." 29§
'05 ch.67, 20 F

2328

State aid

- a Cal. High school fund: annual tax amounting to \$15 a pupil; $\frac{1}{2}$ apportioned irrespective of attendance, rest pro rata; condition of state aid. Rep. '03 ch.60. 12§
'05 ch.65, 6 Mr
- b Minn. Amdg. '99 ch.352 §10: not over 9 [7] high schools in county to receive state aid. 1§
'05 ch.320, 19 Ap
- c N. H. Amdg. '01 ch.96 §3: annual state appropriation for high school tuition \$8000 [\$5000]. 1§
'05 ch.89, 10 Mr
- d N. D. Amdg. R.C.'99 §870-71 rel. to annual apportionment of state aid to high schools: \$800 [\$400] to school maintaining 4 yrs course, \$600 [\$300] for 3 yrs course; repealing provision for school with 2 yrs course; \$25,000 [\$10,000] annual aggregate appropriation. 2§
'05 ch.24, 15 Mr

2330

Higher education

2332

State institutions (general)

- a Fla. State educational inst.: Univ. of Fla. at Lake City, Fla. State College at Tallahassee, White Normal School at De Funiak Springs, East Fla. Seminary at Gainesville, & Fla. Agricultural Institute in Osceola county abolished; Univ. of Fla., Fla. Female College estab-

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lished; Colored Normal School & Institute for Blind, Deaf & Dumb reorganized; management; control of property & funds; reports. Amds. R.S.'92 §269-71, 277 & rep. sundry laws. 40§ '05 ch.13, 5 Je

- b Minn. Bd of regents to control State Univ. [Bd of Control of State Inst.] 8§ '05 ch.119, 7 Ap

- c Nev. Amdg. '87 ch.37 §2 rel. to election of regents of State Univ. 1§ '05 ch.88, 16 Mr

- d Pa. "To reorganize Bd of Trustees of Pa. State College." 4§ '05 ch.35, 24 Mr

- e U. Com'n to be appointed to consider advisability of consolidating Univ. of U. & Agricultural College of U.; \$1000. 5§ '05 ch.104, 9 Mr

- f U. Amdg. R.S. '98 §2292 rel. to course of study in State Univ. 1§ '05 ch.133, 20 Mr

- g Wash. Changing name of Wash. Agricultural College Experiment Station & School of Science to State College of Wash. 3§ '05 ch.53, 2 Mr

- h Wy. Amdg. R.S. '99 §1833: tax $\frac{3}{4}$ [$\frac{1}{2}$] mill for support of State Univ. 1§ '05 ch.57, 20 F

2333 Finance. Lands. Support

See also 774. Public lands; 2237. School finance

- a Minn. State Univ. may accept gift or devise or not less than \$50,-000 for endowed professorship. 2§ '05 ch.187, 15 Ap

- b Neb. Granting to State Univ. power to acquire by condemnation lands necessary for Univ.; proceedings; appeal. 6§ '05 ch.158, 27 Mr

- c Wis. Amdg. S. '98 §390: State Univ.: annual tax of $\frac{3}{4}$ of mill [not amounting to over \$289,000] to be levied for fund income; loans; \$200,000 annually for 3 yrs for building & equipment; new schools & colleges not to be established without authorization of Leg. 3§ '05 ch.320, 8 Je

2335 Admission. Scholarships. Tuition

- a Ill. Apportionment of scholarships for Univ. of Ill.; registration & exam. of applicants. Rep. '95 p.325. 7§ '05 p.380, 12 My

- b Kan. Regulating fees at State Univ. '05 ch.31, 4 Mr

- c Mass. Appropriating \$10,000 [\$6000] annually for state scholarships at Worcester Polytechnic Inst. Rep. '99 ch.157. 4§ '05 ch.109, 24 F

- d Vt. Each state senator to nominate annually for 10 yrs 2 residents of his county as principal & alternate for scholarship at Norwich Univ.; vacancies; appropriation \$25,000 per annum. 5§ '05 ch.52, 9 D

2337

Private institutions

See also 582. Corporations not for profit; 812. Exemptions from general property tax

2338

Trustees. Boards

- a Ind. After Jan. 1, 1907 college or univ. by vote of majority of stock may provide that $\frac{1}{4}$ directors belong to certain denomination. 1§ '05 ch.83, 3 Mr

- b Mich.** Graduates of degree-giving inst. may vote by mail for trustees or members of governing bds. 1§ '05 ch.86, 3 My

2342 Professional and technical education

For examination and licensing *see* 591, Practice of law; 944, Medicine; 948, Dentistry; 949, Pharmacy; 1588, Veterinary practice. *See also* 2266, Normal schools

2343 Agricultural

See also 1828, Agricultural experiment stations; 1829, Farmers institutes, reading courses, lectures

- a Minn.** County may appropriate \$20,000 annually for schools of agric. & domestic economy; joint schools; state aid. 11§ '05 ch.314, 19 Ap
- b Wis.** Amdg. S.'98 §447: elements of agric. to be taught in district schools. 2§ '05 ch.158, 3 My

2344 Colleges

- a Ct.** Amdg. '03 ch.170 §2 as to payment of income of agric. college fund. 1§ '05 ch.74, 18 My
- b Minn.** Establishing School of Agric. at Crookston as branch of State Univ. 1§ '05 ch.132, 11 Ap
- c N. J.** "An act to provide for short courses in practical & scientific agric. in State Agric. College"; \$24,000 & \$6500 annually. 5§ '05 ch.55, 25 Mr
- d N. J.** Amdg. '90 ch.108 §1, 3-4 rel. to scholarships at State Agric. College. 3§ '05 ch.90, 31 Mr
- e U.** Amdg. R.S. '98 §2087 rel. to course of study in Agric. College. 1§ '05 ch.134, 20 Mr
- f Wy.** Rep. '91 ch.92 establishing Wy. Agric. College. 1§ '05 ch.10, 7 F

2345 Commercial

- a Wis.** State Sup't of Public Instruction may prescribe course of study for commercial schools & colleges; accredited schools to be listed in biennial report. 1§ '05 ch.124, 29 Ap

2348(5) Military

- a N. M.** Amdg. '01 ch.6 §6 as to age of appointees to Military Institute. 2§ '05 ch.108, 16 Mr
- b S. C.** Amdg. C.C. §1276 rel. to powers of Bd of Visitors of S. C. Military Academy. 1§ '05 ch.415, 18 F

2350 Technical and manual training

- a Ari.** Instruction in manual training & domestic science in public schools. 6§ '05 ch.20, 3 Mr
- b Mass.** Com'n to be appointed to consider need for technical education in different grades of industrial skill & responsibility in various industries; report to Leg. of 1906; \$15,000. '05 r.94, 24 My
- c Minn.** County may appropriate \$20,000 annually for schools of agric. & domestic economy; joint schools; state aid. 11§ '05 ch.314, 19 Ap

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2352

Libraries

2354

State libraries

- a Cal. Amdg. P.C. §416: \$3000 [\$2500] in fees collected by Sec. of State to constitute state library fund. 1§ '05 ch.467, 21 Mr
- b Ct. Stenographic reports of leg. committee hearings to be furnished State Library. Supplements '03 ch.197. 1§ '05 ch.28, 2 My
- c Ct. Not over 2500 copies of rep'ts of State Librarian to be printed. 2§ '05 ch.29, 2 My
- d Mass. Appropriating \$8500 [\$6500] annually for additions to State Library & \$5400 [\$4300] for clerical & messenger service. Amds. by implication R.L. ch.10 §27, 29. '05 ch.154, 9 Mr
- e Mo. Amdg. R.S. '99 §10055, 10061: salary of State Librarian \$1200 [\$900]; assistant librarian who shall act as janitor \$1000 [\$300]. '05 p.304, 1 Ap
- f Mon. Amdg. P.C. §2385 rel. to circulation of certain State Library books. 2§ '05 ch.81, 3 Mr
- g N. C. State Librarian to have seal & attest copies of documents. 4§ '05 ch.537, 6 Mr
- h Or. Amdg. Ann.C.&S. §2446, 2450-52, 2454 rel. to State Library & appointment of librarian. 5§ '05 ch.24, 3 F
- i Pa. State Library to occupy "Executive Building" on removal of officials to Capitol. 1§ '05 ch.43, 28 Mr
- j Pa. State Library to be open from 9 a.m. to 10 p.m. except Sun. & holidays. Supplements '89 ch.225. 2§ '05 ch.304, 11 My
- k R. I. Amdg. G.L. ch.28 §2, '01 ch.862 §4 rel. to State Library: annual appropriation, \$1300 [\$800]; salary of Librarian, \$1200 [\$1000]. 3§ '05 ch.1252, 11 My
- m S. D. State Library placed in custody of Dep't of History; sec. of State Historical Soc. to be State Librarian. 4§ '05 ch.164, 16 F
- n Vt. Amdg. '98 ch.7 §1: annual appropriation for occasional extra help in State Library \$600 [\$300]. 1§ '04 ch.11, 10 D
- p Wis. Amdg. S. '98 §373i: annual appropriation for leg. reference room \$4500 [\$2500]. 1§ '05 ch.177, 8 My

2355

Public documents

See also 70, Distribution of public documents

- a Ct. Amdg. G.S.'02 §134: 575 [375] copies of any report made to Gov. or Gen. Assembly may be printed for State Librarian for exchange & distribution. 1§ '05 ch.26, 2 My
- b Ind. Amdg. '99 ch.216 §1: State Library to receive 200 [150] copies of state publications except *session laws* & Supreme & Appellate Court reports. 1§ '05 ch.101, 4 Mr

2356

Free public libraries

- a Minn. Amdg. '03 ch.173 §1: municipality having public library may loan books outside corporate limits or establish traveling library system. 1§ '05 ch.257, 18 Ap

2357 State aid and supervision. Traveling libraries

- a Cal. Amdg. '01 ch.170 §4, 6: public library in municipality to file certificate of organization with State Librarian. 2§ '05 ch.292, 20 Mr
- b Ct. Rev. law rel. to assistance to free public libraries by Public Library Committee. Rep. G.S. '02 §4631, '03 ch.142. 3§ '05 ch.98, 24 My
- c Ind. Amdg. '99 ch.103. §2 rel to office & duties of Library Com'n. 2§ '05 ch.90, 4 Mr
- d Or. Creating State Library Com'n to aid in establishing libraries & in operating traveling libraries; biennial report to Leg.; \$2000 annual appropriation. 6§ '05 ch.44, 9 F
- e Vt. Amdg. S. §881: salary sec. State Bd of Library Com'rs not to exceed \$500. 1§ '04 ch.54, 8 D
- f Wis. Amdg. '99 ch.238 §1: \$7000 [\$3500] annual appropriation for use of Free Library Com'n; maintenance of [summer] school of library science. 1§ '05 ch.377, 14 Je

2358 Establishment. Support. Government

- a Ct. Establishment of free mun. library. 1§ '05 ch.41, 5 My
- b Ill. Bd of directors of public libraries to elect 5 trustees of employees pension fund; voluntary membership; deduction of \$6-\$48 from annual salary; beneficiaries; reports. 15§ '05 p.309, 12 My
- c Ill. Amdg. '72 p.609 §10, 11 rel. to election for tax to erect free public library. 2§ '05 p.307, 16 My
- d Ill. Township may incur bonded debt of not less than \$100 for 20 yrs for library purposes. 9§ '05 p.313, 18 My
- e Kan. Amdg. '03 ch.121 §1 rel. to establishment of public library. 2§ '05 ch.104, 8 Mr
- f Mich. Amdg. '77 ch.164 §11 rel. to appointment of library bd of directors in township having free public library. 1§ '05 ch.67, 19 Ap
- g Minn. Amdg. '01 ch.93 §1: city of 50,000 may levy tax of 2 [1½] mills to support library donated to it. 1§ '05 ch.241, 18 Ap
- h Mon. Amdg. P.C. §5039 rel. to establishment & maintenance of free public library. 2§ '05 ch.62, 2 Mr
- i N. J. Municipality or township may establish free public library; support; management; bonds. 33§ '05 ch.150, 14 Ap
- j Pa. Amdg. '05 ch.291 §3: library tax to be included in school tax levy on same subjects of taxation. 1§ '05 ch.167, 20 Ap
- k Tenn. Amdg. '97 ch.105: municipalities of 6000 [20,000] may establish free public libraries & reading rooms. 1§ '05 ch.438, 14 Ap
- m Wis. Amdg. S.'98 §931: town [of 1000] may establish library & reading room. 1§ '05 ch.43, 29 Mr
- n Wis. Amdg. S.'98 §936a rel. to care of endowments of public libraries: treasurer or financial sec. of library bd in cities other than 1st class to report annually as to fund. 1§ '05 ch.98, 21 Ap
- p Wis. Appointment & duty of library bds in towns & villages. Adds S.'98 §932a. 1§ '05 ch. 375, 14 Je

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- q Wis. Presentment & collection of claims against library bds. Adds S.'98 §933a. 1§ '05 ch.392, 17 Je

2359 Law libraries

- a Fla. Sale & disposal of duplicate books of Supreme Court library. 2§ '05 ch.38, 31 My
b Me. Amdg. R.S.'03 ch.12 §10 as to appropriation of state fines to county law libraries. 1§ '05 ch.157, 24 Mr

2360 School libraries

- a Ct. "An act concerning school libraries at temporary homes." 2§ '05 ch.50, 12 My
b Minn. Appropriating \$10,000 for school libraries. 1§ '05 ch.22, 2 Mr
c Nev. From \$3-\$5 for each teacher & 5-10c for each pupil to be apportioned to county school library fund. 7§ '05 ch.87, 16 Mr
d N. C. State to duplicate gift of \$10 to found or \$5 to enlarge school library in town under 1000; limited to 6 a yr in each county to be established & 6 enlarged by state aid. 10§ '05 ch.381, 4 Mr
e Or. Amdg. Ann.C. & S. §3462-69 rel. to district school libraries. 8§ '05 ch.132, 21 F
f S. C. Amdg. '04 ch.207: county school bd to duplicate private gift of \$10 to establish or \$5 to enlarge school library; limited to 25 [10] schools a yr. 9§ '05 ch.442, 22 F
g Wis. Creating committee to secure bids & make contracts for purchase of school library books; procedure. 7§ '05 ch.243, 24 My
h Wis. Amdg. S.'98 §486a as to selection of books for township libraries. 2§ '05 ch.417, 17 Je

2361 Private library associations

- a Me. Amdg. R.S.'03 ch.57 §15 as to appropriations to free libraries. 1§ '05 ch.166, 24 Mr
b Pa. Borough may contract with nonsectarian library for free use by residents. 2§ '05 ch.191, 22 Ap

2363 History. Records. Memorials

- a Col. Appropriating \$6000 to State Historical Soc. for collection of relics & data concerning cliff dwellers. 3§ '05 ch.137, 10 Ap
b N. D. State Historical Soc. to be trustee of state; Gov., Auditor, Sec. of State, Com'r of Agric. & Labor & Sup't of Public Instruction to be directors; biennial publications; \$1500 annual appropriation; replacing State Historical Com'n provided for by R.C.'99 §152-53. 4§ '05 ch.25, 16 Mr
c S. C. Reorganizing State Historical Com'n; term of 1 member to expire every 2 yrs; office & archives at Capitol; duties of sec.; custody of public & private records. 9§ '05 ch.454, 20 F
d W. Va. Creating State Bureau of Archives & History; collections; supervision by Bd of Public Works; appropriation. 5§ '05 ch.64, 21 F

2364

Anniversary celebrations

- a N. J. City may appropriate or borrow money to celebrate centennial or semicentennial of corporate existence. 1§ '05 ch.19, 8 Mr

2365

Archives. Records. Colonial laws

- a Ct. Provision for compilation of certain public records by May 1907. 4§ '05 ch.221, 6 Jl
Amended, '05 ch.237, 13 Jl
- b Del. Preservation of public records prior to 1800. '05 ch.77, 16 Mr
- c Kan. Official in charge of public records not required by law to be permanently preserved may 3 yrs after filing turn them over to State Historical Soc. 2§ '05 ch.358, 4 Mr
- d Me. State to purchase 450 copies of vol. 14 of early York deeds & distribute same. '05 r.61, 8 Mr
- e Me. Gov. & Council may purchase 250 copies of 1st 5 vol. of York deeds & 100 copies of Me. wills. '05 r.121, 21 Mr
- f Me. Appropriation for publication of state documents by Me. Historical Soc. '05 r.128, 22 Mr
- g Pa. State Librarian to edit state archives & publish edition of 2000 in 15 vol. or less; distribution. 5§ '05 ch.337, 11 My
- h Pa. Continuing com'n to compile & publish laws of Pa. prior to 1800 appointed under '87 ch.70 for 2 yrs; appropriating \$8000. 1§ '05 ch.351, 11 My
- i Vt. Distribution of *Vt. Revolutionary Rolls*. '04 ch.370

2366

Historical societies

- a Mich. Publication & distribution of Mich. Pioneer & Historical Soc. collections; State Librarian to be custodian. 6§ '05 ch.95, 4 My
- b Neb. State Historical Soc. to be custodian of state documents & historic records not in present use, or for preceding 20 yrs by any state or local dep't or inst. 5§ '05 ch.157, 30 Mr
- c N. D. State Historical Soc. to be trustee of state; publications; \$1500 annual appropriation; replacing State Historical Com'n provided for by R.C.'99 §152-53. 4§ '05 ch.25, 16 Mr

2367

Museums

- a Wis. Powers & duties of bd of trustees of existing historical museums in cities of 1st & 2d classes. Adds '97 ch.111 §11A. 2§ '05 ch.135, 29 Ap

2368

Old Home week

- a R. I. Calendar week beginning with last Sun. in Aug. to be Old Home week. 2§ '04 ch.1205, 16 N

2369

Scenic and historic places

See also 2370, Memorials

- a Cal. "An act to provide for acquisition of old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, & old theater at Monterey, & providing for preservation . . . and improvement . . ." 4§ '05 ch.22, 21 F

EDUCATION

- b Cal. Re-ceding "Yosemite valley" & "Mariposa Big Tree grove" to U. S. for national parks. 3§ '05 ch.60, 3 Mr
- c Col. Establishing state park at Beecher Island; \$2500 for monument; maintenance by Beecher Island Battle Memorial Ass'n. 4§ '05 ch.78, 7 Ap
- d Del. Committee named to erect monument at Fort Oplandt near Lewes, 1st colonial settlement; \$500. 1§ '05 ch.17, 30 Mr
- e Ga. Joint leg. committee to report to Leg. of 1906 on purchase of land at Tallulah Falls for public park. '05 p.1255, 22 Ag
- f Ill. Appropriating \$5000 for restoring Grant home at Galena. 2§ '05 p.32, 29 Ap
- g Kan. Appropriating \$1000 for marking Santa Fe trail. 5§ '05 ch.65, 1 Mr
- h Mass. Com'n to be appointed to consider desirability of establishing memorial reservation on Daniel Webster homestead at Marshfield; report to Leg. of 1906. '05 r.96, 24 My
- i Minn. Designating 3 com'rs to locate site of treaty made in 1851 with Sioux Indians by Alexander Ramsay; \$300. 3§ '05 ch.150, 11 Ap
- j N. Y. Designating com'n of 5 to care for Seneca Indian Council rock at Brighton, Monroe county. 5§ '05 ch.69, 17 Mr
- k Or. Appropriating \$600 for repair of monument at Old Champoege commemorating first civil gov't west of Rocky mountains & for improvement of site. 3§ '05 ch.18, 3 F
- m Pa. Amdg. '93 ch.130 §1: state park at Valley Forge not to exceed 1000 acres [500 acres & Washington's headquarters]. 1§ '05 ch.87, 7 Ap
- n Tex. Alamo Mission memorial; purchase of land; \$65,000. 4§ '05 ch.7, 26 Ja
- p Wis. Com'n to be appointed for 2 yrs to continue acquisition of property & care of Interstate Park of the Dalles at St Croix; powers & duties. 9§ '05 ch.395, 17 Je

2370

Memorials. Monuments

- a N. Y. Amdg. '69 ch.855 §4 rel. to erection of monuments in towns [& counties] at public expense. 2§ '05 ch.277, 22 Ap
- b N. C. County may protect with iron fence public monument erected in courthouse square by popular subscription. 1§ '05 ch.457, 6 Mr

2371

Battle flags

- a Fla. \$130 for preservation of battle flags. 2§ '05 ch.105, 6 Je
- b Pa. Salary of messenger in charge of flag room at Capitol, \$800. 2§ '05 ch.202, 22 Ap
- c Wis. Confederate flags to be returned to state of Alabama. '05 p.990

2372

Grave markers

- a Pa. Amdg. '03 ch.231 §1: county *shall* [may] on petition of 10 freeholders furnish suitable markers for soldiers' graves. 1§ '05 ch.96, 10 Ap

Memorials. Monuments

2372-76

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- b R. I. \$300 for erection of metallic markers on graves of Civil War veterans. '05 r.38, 12 Ap

2373

Medals

- a U. Appropriating \$500 for medals for those who served in Indian wars from 1850 to 1872. 3§ '05 ch.86, 9 Mr

2374

Memorial buildings

- a Del. \$1000 toward erection of D. A. R. Memorial Hall at Washington. 1§ '05 ch.18, 3 Ap
 b N. J. Appropriating \$2000 for monolith commemorative of N. J. as one of original states in Memorial Continental Hall, Washington D. C. 2§ '05 ch.151, 17 Ap
 c Pa. Appropriating \$2000 for memorial column commemorative of Pa. as one of original states in Memorial Continental Hall, Washington D. C. 1§ '05 ch.334, 11 My

2376

Memorials on battlefields. Soldiers monuments

- a Col. Designating bd of 3 members to erect \$15,000 monument to Civil War veterans on Capitol grounds. 5§ '05 ch.27, 8 Ap
 b Ct. Designating 5 com'rs to erect memorial to sufferers in Andersonville military prison; \$6000. 4§ '05 special acts ch.429, 6 Jl
 c Ill. Appropriating \$5000 for monument near Harding to 16 persons massacred by Indians May 21, 1832. 2§ '05 p.42, 18 My
 d Ill. Appropriating \$5000 for monument on Campbells island to 14 volunteers killed by Indians July 19, 1814. 2§ '05 p.42, 18 My
 e Ill. Appropriating \$100,000 additional for monuments at Vicksburg. 4§ '05 p.44, 18 My
 f Kan. Appropriating \$2500 toward monument on Artkaree river to Forsyth scouts. 4§ '05 ch.61, 9 Mr
 g Mass. Appropriating \$3500 for monument at Winchester to Mass. soldiers killed in Shenandoah valley campaign during Civil War. '05 r.53, 20 Ap
 h Mich. \$10,000 for monuments in Vicksburg National Military Park to designate location of state troops in siege of Vicksburg. 3§ '05 ch.239, 16 Je
 i Minn. Appropriating \$400 for removal of bodies of victims of Indian massacre of Oct. 1862 to suitable site & erection of monument. 2§ '05 ch.336, 19 Ap
 j N. J. Appropriating \$500 for monument to be erected jointly by 5 states on battlefield at Monocacy Md. 2§ '05 ch.27, 13 Mr
 k N. J. Town may pay $\frac{1}{10}$ cost of soldiers monument. 1§ '05 ch.71, 30 Mr
 m N. J. Com'n to be appointed to erect monument on battlefield at Red Bank; report to Gov.; \$15,000. 4§ '05 ch.79, 30 Mr
 n N. Y. Amdg. membership corp. law '05 ch.559 §120-21 rel. to incorp. of ass'n to erect soldiers memorial. 2§ '05 ch.411, 16 My
 p N. Y. State Com'n on battlefield monuments at Chattanooga & Gettysburg to erect monument to prisoners at Andersonville during Civil War; \$10,000. 1§ '05 ch.717, 3 Je

EDUCATION

- q N. C. Providing for erection of memorials at Appomattox Court-house; \$1000 toward erection of monument on site of last volley by Cox's brigade. 3§ '05 ch.10, 18 Ja
- r N. C. Appropriating \$500 for tablet at Chickamauga & \$250 for one at Bethel to mark position held by state troops. 3§ '05 ch.680, 2 Mr
- s N. D. Com'n to be appointed to improve land granted by U. S. embracing White Stone hills battlefield; biennial report to Gov.; \$100. 8§ '05 ch.48, 13 Mr
- t Pa. Appropriating \$2000 for monument on battlefield at New Market Va. 1§ '05 ch.335, 11 My
- u Pa. Com'n to be appointed to mark positions occupied by state regiments at battle of Antietam; \$10,000. 2§ '05 ch.354, 11 My
- v Tex. Purchase of site for mausoleum to memory of Dawson's men & Mier prisoners killed at battle of Salado; \$500. 8§ '05 ch.63, 15 Ap
- w Vt. An act providing for care, maintenance & repair of Bennington battle monument. 3§ '04 ch.192, 9 D
- x Vt. Appropriating \$100 for repair of Hubbardton battle monument. 3§ '04 ch.183, 14 N
- y Vt. Appropriating \$500 toward monument at Monocacy Md. 2§ '04 ch.182, 16 N
- z Wis. Amdg. '03 ch.322 rel. to erection of monument in *Andersonville prison grounds* [National cemetery at Andersonville]: com'n to contract for monument; term of com'rs extended to May 1907; expenses of com'n. 3§ '05 ch.321, 9 Je
- zi Wis. \$1000 additional appropriation for dedication of monuments on Shiloh battlefield. 2§ '05 ch.371, 14 Je

2377

Memorials to individuals

- a Ari. Gov. to appoint com'n of 5 to supervise erection of monument at Prescott to Captain O'Neill of the Rough Riders; \$10,000. 6§ '05 ch.46, 16 Mr
- b Ill. Appropriating \$1000 for painting of ex-Gov. Richard Yates to be placed in executive office of Statehouse. 1§ '05 p.78, 12 My
- c Ind. Gov. to appoint com'n of 5, to erect monument to ex-Gov. Oliver P. Morton on Statehouse grounds; \$35,000; private contributions authorized. 7§ '05 ch.43, 25 F
- d Me. Appropriation of \$500 to mark grave of ex-Gov. Jonathan G. Hunton. '05 r.53, 28 F
- e Mass. Committee to be appointed to consider erection of memorial to George Frisbie Hoar; report to Leg. of 1906. '05 r.8, 23 F
- f Mass. Gov. & Council may accept for Statehouse memorial of Gen. Thomas Greely Stevenson from comrades in Civil War. '05 r.20, 15 Mr
- g Mass. Gov. to appoint committee of 5 to arrange for commemorating 200th anniversary of birth of Benjamin Franklin on Jan. 17, 1906. '05 r.64, 1 My

- h** **Mass.** Committee to be appointed to consider erection of memorial to Chevalier de St Sauveur; report to Leg. of 1906. '05 r.72, 12 My
- i** **Mich.** \$5000 toward erection of monument to Major Gen. Alexander Macomb of War of 1812. 2§ '05 ch.252, 16 Je
- j** **Minn.** Designating 3 com'rs to design & erect statue of Alexander Ramsey in National Statuary Hall in Washington. 3§ '05 ch.249, 18 Ap
- k** **Mon.** Authorizing erection of statue to Gen. Thomas Francis Meagher on grounds of State Capitol. '05 p.354, 3 Mr
- m** **N. M.** Gov. to appoint com'n of 3 to purchase bust of J. Francisco Chaves for Hall of Leg. Council; \$1000. '05 p.377, 14 Mr
- n** **Or.** State to purchase oil painting of ex-Gov. George E. Chamberlain. '05 p.437, 23 Ja
- p** **Pa.** Appropriating \$400 to create fund, interest of which is to be used to care for grave of former Gov. Simon Snyder. 2§ '05 ch.313, 11 My
- q** **Pa.** Com'n to be appointed to erect statue of M. S. Quay on Capitol grounds; \$20,000. 4§ '05 ch.319, 11 My
- r** **Pa.** Com'n to be appointed to erect equestrian statue to Gen. Anthony Wayne on Revolutionary camp grounds at Valley Forge; \$30,000. 2§ '05 ch.323, 11 My
- s** **Pa.** Appropriating \$10,000 for oil paintings of famous Pennsylvanians exhibited in state building at St Louis Exposition to place in Capitol. 1§ '05 ch.336, 11 My
- t** **S. C.** Committee to investigate purchase of portrait of late Chief Justice John Belton O'Neill. 2§ '05 ch.575, 9 Mr
- u** **Vt.** Testimonials to be engraved & presented to Vt. soldiers & sailors in war with Spain. '04 ch.178, 6 D
- v** **Vt.** Gov. to appoint com'n of 3 to investigate & report as to suitable memorials to Col. Seth Warner & Captain Remember Baker. '04 ch.363, 9 D
- w** **Wis.** Com'n to be appointed to procure for Capitol bronze medalion portrait of A. R. Hall; \$500. 1§ '05 ch.481, 20 Je

War records

- a** **Ill.** Adjutant Gen. to complete Civil War records of 2d regiment light artillery. '05 p.400, 6 My
- b** **Me.** Preservation of regimental rolls of Civil War. '05 r.60, 8 Mr
- c** **Mass.** Sec. of Commonwealth to continue compilation of Revolutionary War records; \$5000. '05 r.15, 28 F
- d** **Mass.** Chief of Bureau of Statistics of Labor to prepare list of names & addresses of persons from Mass. who served during Civil War. '05 r.65, 4 My
- e** **Mich.** Adjutant Gen. to furnish records of veterans of Spanish American War & certificates of discharge free of charge. 3§ '05 ch.302, 17 Je
- f** **Mo.** Adjutant Gen. to compile roll of Missouri volunteers who served in Civil War. 1§ '05 p.232, 6 Ap

EDUCATION

- g N. J. Authorizing publication of records of state soldiers in various wars. 1§ '05 p.566, 19 Ap
- h S. C. Adjutant & Inspector Gen. to add name to Confederate rolls on proper proof. 1§ '05 ch.497, 21 F
- i Wis. Com'n named to devise plan for compiling history of Wisconsin soldiers in Civil War; report to Leg. of 1907. 2§ '05 ch.298, 3 Je

2380

Scientific work. Art

- a Wis. State Printer to print 1500 copies of transactions of Wis. Archeological Soc. Amds. S.'98 §341. 1§ '05 ch.337, 10 Je

2383

Biology

- a Mich. Biological survey of state to be made by Bd of Geological Survey. 5§ '05 ch.250, 16 Je
- b Pa. Gov. to appoint assistant Economic Zoologist, salary \$1600, & stenographer & messenger of Dep't of Agric., salary \$900 each. Supplements '95 ch.8. 1§ '05 ch.233, 4 My

2384

Geology. Topography

- a Ill. Provision for State Geological Survey; \$25,000 annual appropriation. 14§ '05 p.30, 12 My
- b Kan. Continuing State Geological Survey, appointed by '03 ch.60 till 1907 [1905]. 6§ '05 ch.33, 8 Mr
- c Me. Reorganization of Topographic Survey Com'n reports; compensation. 6§ '05 ch.144, 23 Mr
- d Mich. Bd of Geological Survey to cooperate with U. S. Geological Survey in preparing topographic map. 4§ '05 ch.251, 16 Je
- e Mich. Amdg. '99 ch.44 §14: not over 1200 copies of report of State Bd of Geological Survey to be printed. 1§ '05 ch.297, 17 Je
- f N. Y. U. S. officers may enter private property & erect necessary works while engaged in coast & geodetic survey. 5§ '05 ch.380, 16 My
- g N. C. Providing for geologic & economic survey of state; \$10,000 annual appropriation. 7§ '05 ch.542, 6 Mr
- h Okl. Creating Survey Com'n to cooperate with U. S. Geological Survey in making topographic survey; \$5000 annual appropriation. 4§ '05 ch.35 art.1, 11 Mr
- i Vt. Amdg. '00 ch.6 §1: annual appropriation for geologic survey \$1500 [\$1000]. 1§ '04 ch.12, 6 D

2385

Museums

- a Mo. Amdg. R.S.'99 §9895, 9901: city of 50,000-300,000 may establish art gallery & museum. 2§ '05 p.302, 31 Mr
- b Pa. "An act to provide . . . for museum to contain historic & archeologic material & objects illustrating flora & fauna of Pa." 1§ '05 ch.43, 28 Mr

2388

Military regulations

See also 2363, History, records, memorials

2391

Militia. National Guard

- a Ari. Amdg. R.S.'01 §3135, 3153, 3175, '03 ch.56 §6 rel. to militia. Adds art.2 ¶9. 6§ '05 ch.55, 16 Mr
- b Cal. Msdr. for ass'n or corp. to discriminate against member of National Guard. Adds Pen. C. §421. '05 ch.195, 18 Mr
- c Cal. Generally amdg. P.C. t.4 ch.2 rel. to National Guard. 94§ '05 ch.288, 18 Mr
- d Cal. Generally amdg. P.C. t.4 ch.1 rel. to state militia. 30§ '05 ch.289, 18 Mr
- e Ct. Miscellaneous amdts. to G.S.'02 t.20 rel. to militia. 18§ '05 ch.227, 6 J1
- f Ga. Colored troops abolished. 2§ '05 p.166, 19 Ag
- g Ga. Militia law. Rep. sundry laws. 98§ '05 p.133, 22 Ag
- h Id. Militia law. 61§ '05 p.10, 18 F
- i Ind. Amdg. '95 ch.53 rel. to militia. 23§ '05 ch.131, 6 Mr
- j Kan. Amdg. G.S.'01 §5952 rel. to transportation of state troops. 2§ '05 ch.352, 25 F
- k Kan. Misc. amdts. to '01 ch.255 rel. to militia; organization; officers; state military bd. armories; pay. 10§ '05 ch.303, 4 Mr
- m Me. Misc. amdts. to '93 ch.266 rel. to militia. 10§ '05 ch.64, 15 Mr
- n Mass. "An act to provide certain military instruction for officers & men of militia." 1§ '05 ch.202, 23 Mr
- o Mass. "An act rel. to militia." Rep. R.L. ch.16. 194§ '05 ch.465, 26 My
- p Mich. Amdg. '01 ch.204 §9, 11, 25, 67 rel. to state militia: retired officers; military fund. Adds §68a-b. 6§ '05 ch.111, 11 My
- q Mich. Amdg.'93 ch.184 §36: tax levy of sum equal to $\frac{3}{4}$ c [$\frac{1}{4}$ c] for each resident of state, for state naval & militia fund. 1§ '05 ch.220, 13 Je
- r Minn. Amdg.'97 ch.118 §17, 20, 35, 105, 124, 140 rel. to militia; hospital corps; gen. maneuvers; uniforms; service marks. 7§ '05 ch.225, 17 Ap
- s Mo. Generally amdg. R.S.'99 ch.130 rel. to militia. 55§ '05 p.220, 1 Ap
- t Neb. Rev. Military Code. Rep.'87 ch.50. 75§ '05 ch.100, 3 Ap
- u N. H. Amdg.'95 ch.59 rel. to militia: officers; rifle practice; enlistment; retired list. 20§ '05 ch.51, 9 Mr
- v N. M. Gen. militia law. 89§ '05 ch.101, 16 Mr
- w N. Y. Adjutant Gen. may sell military stores purchased by state for equipment of militia to U. S. 2§ '05 ch.11, 20 F
- x N. D. Amdg. R.C.'99 §1419: \$500 [\$400] annual appropriation for armory rent of each organization of National Guard; \$600 [\$300] for bandmaster. 2§ '05 ch.14, 25 F

- 2394

Encampment

- a Fla. Com'n to be appointed to report to Leg. of 1907 on permanent
camp site for state militia. 3§ '05 ch.96, 5 Je
- b Vt. Authorizing sale of state camp ground at Colchester to U. S.;
money to be reserved 5 yrs for purchase of new state camp. 2§
'04 ch.101, 6 D

Military schools, *see* 2348(5)

2397

Naval militia

- a Minn. Rev. '99 ch.355 rel. to organization, enlistment & supplies of naval militia. 17§ '05 ch.34, 10 Mr
- Mo. Establishing a naval reserve. 15§ '05 p.240, 13 Mr

2398

Officers and boards

- a Mass. Amdg. '04 ch.361 §1 rel. to allowance to officer of militia for uniform. 2§ '05 ch.468, 26 My
- b N. J. Amdg. '03 ch.65 §7 as to personnel of Gov.'s staff. 1§ '05 ch.97, 5 Ap
- c N. J. Amdg. '02 ch.245 §8 as to personnel of assistants to Gov.'s staff. 1§ '05 ch.98, 5 Ap
- d N. Y. Amdg. Military Code '98 ch.212 §14 as to security for costs in suit against officer of militia for acts in course of duty. 1§ '05 ch.310, 22 Ap
- e N. C. Amdg. '93 ch.374 §9 rel. to personnel of Gov.'s staff. 1§ '05 ch.19, 20 Ja
- f N. C. Amdg. '93 ch.374 §9 rel. to personnel of gen. staff of National Guard. 1§ '05 ch.314, 27 F
- g N. C. Amdg. '03 ch.548 §7: salary of brigadier gen. \$300 [\$150]. 1§ '05 ch.420, 4 Mr
- h N. D. Commissioned officers in National Guard may be placed on retired list on disability or after 10 yrs service. 5§ '05 ch.135, 23 F
- i N. D. Appointments to various dep'ts of National Guard to be made from officers of field or line, for 2 yrs. 3§ '05 ch.136, 23 F
- j Pa. Amdg. '93 ch.47 §8 rel. to Military Courts: proviso that act shall not affect Battalion Courts Martial of naval militia. 1§ '05 ch.142, 18 Ap
- k U. Appointment & qualifications of certain staff officers in militia; armorers. 3§ '05 ch.67, 9 Mr
- m Vt. Allowance to officers of 1st regiment National Guard for uniforms. 3§ '04 ch.114, 10 D
- n Wis. Graduates of State Univ. with 4 yrs military instruction & 1 yr as field officer eligible to appointment as brevet 2d lieut. in state troops. 2§ '05 ch.309, 5 Je

2400 Adjutant general

- a N. D. Amdg. R.C.'99 §1375: salary of Adjutant Gen., \$1800 [\$1000]. 1§ '05 ch.12, 16 Mr
- b Pa. Additional employees for Adjutant Gen.'s office. 1§ '05 ch.238, 4 My

2402

Regulations of troops

- a Cal. Rep. Pen.C. §443 which made sale of equipment by member of militia msdr. 1§ '05 ch.147, 18 Mr
- b Ct. Imprisonment of national guardsman for failure to pay fines & dues. 1§ '05 ch.175, 29 Je

MILITARY REGULATIONS

- c N. Y. Amdg. Military Code '98 ch.212 §165: "temporary disability" of member of militia not to extend longer than 90 days. 1§
'05 ch.419, 16 My
- d N. Y. Amdg. Military Code '98 ch.212 §125 rel. to payment for injured or destroyed equipment of National Guard or naval militia. 1§
'05 ch.617, 26 My
- e N. D. Medals to be given to officers & enlisted men in National Guard for 10-20 yrs service; \$100. '05 ch.36, 23 F

2405 Volunteers in Spanish War. Additional pay

- a Nev. State Bd of Examiners to investigate claims of Spanish War veterans against U. S. & indorse those which appear valid. 3§
'05 ch.61, 9 Mr

2406 Pensions and relief

2408 State pensions and aid

- a Ct. Soldiers Hospital Bd may care for indigent Civil War veteran till able to be removed to Soldiers Home or Hospital. 1§
'05 ch.172, 21 Je
- b Ct. Care of invalid Spanish-American War veterans. 3§
'05 ch.261, 19 Jl
- c Minn. Citizen-soldier injured in Indian massacre of 1862 to receive pension of \$12 a mo.; payable to widow married before 1885. 3§
'05 ch.315, 19 Ap

2409 Confederate veterans

- a Fla. Vouchers of pensioners may be approved & signed by clerk of Circuit Court or notary. 2§
'05 ch.73, 1 Je
- b Ga. Tax returns to contain census of Confederate veterans & widows. 3§
'05 p.122, 22 Ag
- c Ga. Salary of clerk & stenographer of Com'r of Pensions \$75 a mo. 2§
'05 p.123, 22 Ag
- d Ga. Resident Confederate veterans of state regiments & their widows to receive pension regardless of previous residence. 2§
'05 p.133, 22 Ag
- e N. C. Amdg. '03 ch.273 §1 rel. to schedule of pensions for disabled Confederate veterans: total pension list not to exceed \$275,000 [\$200,000] annually. 2§
'05 ch.358, 2 Mr
- f N. C. Amdg. '03 ch.273 §4, 10: county bd may in its discretion include in pension list Confederate veteran or widow ineligible through having \$500 in property. 1§
'05 ch.408, 4 Mr
- g S. C. Amdg. C.C. §1079: compensation State Pension Bd, \$4 [\$2] a day. 1§
'05 ch.468, 9 Mr
- h S. C. Balance due state pensioner dying before end of yr to be paid to clerk of County Court for expense of last illness & cost of monument; residue to family. 1§
'05 ch.476, 9 Mr
- i Tenn. Amdg. '91 ch.64 rel. to pensions for indigent & disabled Civil War veterans: powers & compensation of Bd of Pension Examiners; false swearing in pension application deemed felony. 5§
'05 ch.80, 27 Mr

- j **Tenn.** \$25,000 annual appropriation for indigent widows of deceased Civil War veterans; provisos. 8§ '05 ch.202, 7 Ap

2410 **Local pensions and relief**

- a **Neb.** Amdg. Ann. S.'03 §11556 rel. to Soldiers Relief Com'n: compensation allowed by county bd limited to 5% of moneys distributed by com'r in respective district. 2§ '05 ch.147, 23 F
- b **Wis.** Amdg. S. '98 §1529b rel. to county tax for soldiers. 1§ '05 ch.441, 19 Je

2411 **Burial expenses**

- a **Col.** Amdg. '87 p.409 §1: veteran of Spanish-American War dying without funds sufficient for funeral to be buried at county expense. 1§ '05 ch.132, 10 Ap
- b **Mich.** Rev. '99 ch.242 rel. to burial of veterans & their wives & widows. 5§ '05 ch.39, 30 Mr
- c **Minn.** Amdg. '01 ch.271 §2 rel. to burial of indigent or insane veteran dying in state hospital or asylum. 1§ '05 ch.266, 18 Ap
- d **Neb.** Amdg. Ann. S.'03 §11559: county bd to provide for burial of indigent veterans of *any* [Civil] war of U. S.; expense limited to \$60 [\$35]. 2§ '05 ch.146, 8 Mr
- e **Nev.** Amdg. '93 ch.53 §1: county to contribute to expense of funeral of indigent veteran buried by *United Spanish War Veteran Camp*. 1§ '05 ch.48, 7 Mr
- f **N. Y.** Amdg. '02 ch.206 §2 rel. to removal of remains of veteran soldier from potter's field or neglected or abandoned cemetery to incorporated cemetery at expense of county. 1§ '05 ch.391, 16 My

Preference of veterans

See 38(5. Civil service; 816. Exemption from taxation; 833. Business taxes; 1560 Hawkers and peddlers; 2335. Tuition; 2714. Road tax

2416 **Soldiers homes**

- a **Cal.** Amdg. '97 ch.101 §2-3, 5, 7, 10-13 rel. to management of Veterans Home. Rep. §14, 16. 9§ '05 ch.373, 20 Mr
- b **Cal.** Transfer of property & management of Veterans Home of Cal. in Napa county to U. S. for National Soldiers Home. 5§ '05 ch.387, 20 Mr
- c **Fla.** \$1000 annual appropriation for maintenance of hospital at Confederate Soldiers & Sailors Home. 2§ '05 ch.74, 19 My
- d **Id.** Property of Soldiers Home at Boise to be ceded to U. S. on agreement of U. S. to accept control & maintenance thereof; reversion of land grant. 2§ '05 p.295, 2 Mr
- e **Mon.** Chaplain of Soldiers Home. Adds to P.C. §2532. 2§ '05 ch.33, 25 F
- f **Neb.** Amdg. Ann. S.'03 §9662-64, 9667, State Soldiers and Sailors Home: management to be vested in *Bd of Public Lands & Buildings* [visiting & examining bd]; appointment of officers & employees. 5§ '05 ch.145, 29 Mr
- g **N. J.** Inmate of State Soldiers & Sailors Home at Vineland not to pay for support out of pension money. 2§ '05 ch.81, 31 Mr

MILITARY REGULATIONS

- h N. D.** Disposition of estates of deceased inmates of Soldiers Home dying without heirs or legatees. 3§ '05 ch.163, 24 F
 - i Or.** Amdg. Ann. C.& S. §3587: salary of adjutant of Soldiers Home \$600 [\$420]. 1§ '05 ch.180, 21 F
 - j S. D.** Rev. P.C. §612-20 rel. to Soldiers Home at Hot Springs. 10§ '05 ch.157, 6 Mr
 - k Vt.** Appropriation for support & acceptance of U.S. gov't aid for Soldiers Home at Bennington. 3§ '04 ch.175, 30 N
 - m Wis.** Amdg. S.'98 §1529a rel. to support of inmates of Wisconsin Veterans Home: employee not an inmate; burial expenses. 1§ '05 ch.255, 25 My
- 2417 Admission**
- a Id.** Amdg. '99 p.190 §1: veterans of Spanish War to be admitted to Soldiers Home; all applicants to be resident 6 [4] mo. prior to application. 1§ '05 p.4, 23 F
 - b Id.** Amdg. '99 p.190 §1: applicants for admission to Soldiers Home to have been residents 2 yrs [6 mo.] & have voted at gen. election. 1§ '05 p.414, 6 Mr
 - c Ind.** War nurse may be admitted to Soldiers Home; proviso. 1§ '05 ch.42, 25 F
 - d Kan.** Amdg. '89 ch.235 §11: honorably discharged Civil War veteran militiaman of 65 to be admitted to Soldiers Home but not to exclusion of soldier, sailor or marine. 1§ '05 ch.480, 9 Mr
 - e N. J.** Admission of out-patients to State Soldiers Home. Supplements '66 ch.419. 1§ '05 ch.53, 25 Mr
 - f N. J.** Applicant for admission to home for disabled soldiers, sailors, marines & their wives to show enlistment from state & residence in N. J. for last 2 yrs. Supplements '98 ch.174. 2§ '05 ch.54, 25 Mr
 - g Wash.** Amdg. '90 p.269 §2 as to admission & support of married veteran at State Soldiers Home. 1§ '05 ch.152, 9 Mr

2418 Widows and orphans

- a Ind.** Wife or widow of veteran of Civil or Spanish War or Philippine insurrection to be admitted to Soldiers Home regardless of age or date of marriage. 2§ '05 ch.127, 6 Mr
- b Minn.** Amdg. '87 ch.148 §3: soldier's wife, widow or mother 55 yrs old & 5 yrs resident of state may be admitted to Soldiers Home; marriage must have been prior to 1890. 1§ '05 ch.222, 17 Ap
- c Pa.** Amdg. '93 ch.118 §8: time of discharge of children at Soldiers' Orphans Industrial School extended. 1§ '05 ch.28, 17 Mr
- d Pa.** Soldiers' orphans industrial schools to be open to children of honorably discharged veterans of Philippine War. 1§ '05 ch.137, 17Ap

2421**Organizations**

- a Mich.** Penalty for unauthorized use of G. A. R., Loyal Legion, or Spanish War veteran insignia. Rep. C.L. '97 §11768. 2§ '05 ch.109, 10 My
- b Minn.** U. S. veteran ass'n may occupy unused public building till needed for state purposes. 3§ '05 ch.37, 14 Mr

Municipalities

2421-38

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- c N. Y. Amdg. Military Code '98 ch.212 §177: veterans ass'n may parade with arms on May 1, known as Dewey day. 1§
'05 ch.694, 2 Je

- d S. C. Prohibiting manufacture or use of Confederate cross of honor except according to rules of United Daughters of Confederacy. 2§
'05 ch.478, 7 Mr

2423

G. A. R.

- a Ill. Incorp. & dissolution of G. A. R. post; ownership of cemetery lot. 5§
'05 p.123, 18 My

2426

Spanish War veterans

- a Ind. Amdg. '91 ch.33: msdr. to wear badge of Naval & Military Order of Spanish War veterans without authority or to wrongfully assume to be member. 2§
'05 ch.74, 3 Mr

2429

Flag

See also 24, State flag; 252, Desecration of flag; 253, Foreign and anarchistic flags; 2236, School buildings

- a Ct. Amdg. G.S.'02 §2140: Gov. to proclaim June 14 to be Flag day & exercises to be held in public schools. 1§
'05 ch.146, 16 Je

2430

Local government

2432

Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more clearly that of a municipality than that of a western township.

2433

State control of cities. Home rule

- a Cal. Submitting amdt. to Const. 1879 art.11 §8: city of 3500 may adopt new charter. Vote Nov. 1906. 1§
'05 p.1064, 8 Mr
- b Or. Referring to Leg. of 1903 amdt. to Const.1857 art.11 §2: gen. laws to be passed for incorp. of cities; cities may frame & adopt charters without submission to Leg. Repassed in 1903 but no provision for submission. '01 p.471, 15 F; '03 p.346, 4 F

2438

Organization. Powers generally

- a Cal. Misc. amdts. to charter of city of Stockton. 25§
'05 p.832, 2 F
- b Cal. Charter of city of Santa Rosa. 103§
'05 p.867, 3 F
- c Cal. Misc. amdts. to charter of city of San Diego. 27§
'05 p.901, 3 F
- d Cal. Misc. amdts. to charter of Santa Barbara. 10§
'05 p.929, 8 F
- e Cal. Charter of city of San Bernardino. 244§
'05 p.940, 8 F

LOCAL GOVERNMENT

- f** Cal. Misc. amdots. to charter of city of Los Angeles. 6§
'05 p.980, 16 F
- g** Cal. Misc. amdots. to charter of city of Pasadena. 8§
'05 p.1011, 20 F
- h** Cal. Misc. amdots. to charter of Fresno City. 11§ '05 p.1026, 28 F
- i** Cal. Amdg. '83 ch.49 §764 rel. to powers of city of 5th class. 1§
'05 ch.52, 3 Mr
- j** Ct. Amdg. charter of city of Ansonia. 42§
'05 special acts ch.302, 13 Je
- k** Ct. Amdg. charter of city of Danbury & consolidating gov't of town & city of Danbury. 51§ '05 special acts ch.309, 15 Je
- m** Ct. Rev. charter of city of New London. 105§
'05 special acts ch.329, 20 Je
- n** Ct. Com'n to be appointed to draft law for uniform system of mun. charters; report to Leg. of 1907. 2§ '05 special acts ch.399, 6 Jl
- p** Ct. Rev. charter of city of New Britain & consolidating town & city gov'ts. 172§ '05 special acts ch.411, 6 Jl
- q** Ct. Rev. charter & consolidating town & city gov'ts of Stamford. 131§ '05 special acts ch.442, 13 Jl
- r** Fla. Rev. charter of city of Miami. 64§ '05 ch.148, 5 Je
- s** Fla. Incorporating city of Lake Butler. 77§ '05 ch.136
- t** Ga. City charters: Collins. '05 p.740, 22 Ag; Glennville. '05 p.833, 24 Ag; Graymont. '05 p.864, 24 Ag; Jeffersonville. '05 p.903, 9 Ag; Molena. '05 p.1018, 23 Ag; Reidsville. '05 p.1083, 22 Ag; Rossville. '05 p.1114, 24 Ag; Royston. '05 p.1119, 24 Ag; Stillmore. '05 p.1164, 24 Ag; Summit. '05 p.1179, 24 Ag.
- u** Ind. Gen. law for town & city gov't. 272§ '05 ch.129, 6 Mr
- v** Me. "An act to amend charter of city of Rockland." 14§
'05 private laws ch.122, 28 F
- v1** Me. "An act to incorporate the city of Brunswick." 28§
'05 private laws ch.317, 21 Mr
- v2** Me. "An act to revise, consolidate & amend charter & laws of city of Augusta." 39§ '05 private laws ch.373, 23 Mr
- v3** Me. "An act to abolish the Common Council of Augusta & otherwise amend its charter." 12§ '05 private laws ch.378, 24 Mr
- v4** Minn. Amdg. '03 ch.238 §6 as to amdt. of charter of city incorporated under Const. art.4 §36. 1§ '05 ch.253, 18 Ap
- v5** Neb. Gen. law providing for incorp. & gov't of cities of the metropolitan class & cities of 100,000. Rep. Ann. S.'03 §7450-649. 219§ '05 ch.14, 3 Ap
- v6** Neb. Misc. amdots. to C.S.'03 ch.13 art.1 regulating cities of 1st class from 40,000-100,000. 13§ '05 ch.16, 3 Ap
- v7** Neb. Amdg. Ann. S.'03 §8338, 8407, 8436 rel. to cities of 1st class, 5000-25,000: defective highways; gas, power & light; taxes. 4§
'05 ch.23, 4 Ap
- v8** Nev. Rev. '03 ch.102, charter of city of Reno. 104§
'05 ch.71, 13 Mr
- w** Nev. Charter of city of Sparks. 61§ '05 ch.83, 15 Mr

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|----|--------|--|-------------------------------|----------------------------------|
| w1 | N. H. | Generally amdg. charter of city of Portsmouth. | 37§ | |
| | | | '05 ch.212, 9 Mr | |
| w2 | N. J. | Subjects for mun. or township license & regulation by ordinance. | 2§ | '05 ch.197, 28 Ap |
| w3 | N. Y. | Rev. charter of city of Corning. | 156§ | '05 ch.142, 6 Ap |
| w4 | N. Y. | Misc. amdt. to charter of city of Auburn. | 66§ | |
| | | | '05 ch.356, 29 Ap | |
| w5 | N. Y. | Charter of City of Tonawanda. | 247§ | '05 ch.357, 29 Ap |
| w6 | N. Y. | Amdg. charter of city of Hudson. | 26§ | '05 ch.559, 18 My |
| w7 | N. Y. | Rev. charter of city of Johnstown. | 318§ | '05 ch.593, 24 My |
| w8 | N. C. | Charter for Elizabeth City. | 55§ | '05 private laws ch.15, 4 Mr |
| x | N. C. | Rev. charter of city of Winston. | 106§ | |
| | | | '05 private laws ch.82, 4 Mr | |
| x1 | N. C. | Rev. charter of city of Raleigh. | 99§ | |
| | | | '05 private laws ch.36, 6 Mr | |
| x2 | N. D. | "An act for . . . organization & gov't of cities . . ." | | |
| | | Rep. sundry laws. | 193§ | '05 ch.62, 28 F |
| x3 | Or. | City charters: Independence. | '05 ch.235, 22 F; | Roseberg. '05 ch.236, 22 F; |
| | | Philomath. | '05 ch.244, 22 F; | Vale. '05 ch.246, 21 F; |
| | | Turner. | '05 ch.247, 10 F; | Marshfield. '05 ch.251, 18 F; |
| | | Eugene. | '05 ch.252, 18 F; | Brownsville. '05 ch.254, 27 F; |
| | | Halsey. | '05 ch.254, 18 F; | Condon. '05 ch.256, 18 F; |
| | | Toledo. | '05 ch.262, 18 F; | St Johns. '05 ch.265, 20 Ja; |
| | | Dayton. | '05 ch.268, 11 F; | Gresham. '05 ch.271, 11 F; |
| | | Klamath Falls. | '05 ch.272, 13 F; | Junction City. '05 ch.274, 21 F; |
| | | Athena. | '05 ch.286, 27 Ja; | Estacada. '05 ch.287, 31 Ja; |
| | | Newport. | '05 ch.290, 6 F; | Wasco. '05 ch.291, 6 F; |
| | | Medford. | '05 ch.292, 7 F; | Mt Angel. '05 ch.299, 9 F; |
| | | Jefferson. | '05 ch.300, 9 F. | |
| x4 | Tenn. | Generally amdg. '79 ch.11, charter of city of Memphis. | 66§ | |
| | | | '05 ch.54, 10 Mr | |
| x5 | Tenn. | Charter of city of Highland Park. | 21§ | '05 ch.154, 4 Ap |
| x6 | Tenn. | Rev. charter of city of Clarksville. | 13§ | '05 ch.402, 13 Ap |
| x7 | Tenn. | Charter of Oneida. | 19§ | '05 ch.529, 17 Ap |
| x8 | Tex. | Rev. charter of city of Paris. | 275§ | |
| | | | '05 special laws ch.6, 15 Mr | |
| y | Tex. | Rev. charter of city of Houston. | 88§ | |
| | | | '05 special laws ch.17, 18 Mr | |
| y1 | Tex. | Amdg. charter of Waco City. | 13§ | '05 special laws ch.25, 30 Mr |
| y2 | Tex. | Charter of city of Cleburne. | 280§ | |
| | | | '05 special laws ch.47, 14 Ap | |
| y3 | Tex. | Rev. charter of city of Beaumont. | 138§ | |
| | | | '05 special laws ch.49, 14 Ap | |
| y4 | Tex. | Amdg. charter of city of Dallas. | 50§ | '05 special laws ch.51, 14 Ap |
| y5 | U. | Rev. R.S.'98 §206 rel. to powers of city councils. | 1§ | '05 ch.42, 7 Mr |
| y6 | W. Va. | Rev. '82 ch.44: charter of city of Benwood. | 50§ | '05 ch.2, 7 F |

LOCAL GOVERNMENT

- y7 W. Va. Charter of Central City. 55§ '05 ch.4, 16 F
y8 W. Va. Rev. '97 ch.99: charter of city of Bluefield. 87§
'05 ch.3, 17 F
z W. Va. Rev. '44 ch.124: charter of city of Philippi. 46§
'05 ch.13, 22 F
z1 W. Va. Rev. charter of city of Salem. 36§ '05 ch.14, 22 F
z2 W. Va. Charter of city of Williamson. 40§ '05 ch.15, 22 F
z3 W. Va. Charter of city of McMechen. 43§ '05 ch.12, 24 F
z4 W. Va. Amdg. C. ch.47 §28 & adding §49a rel. to powers of mun.
corp. 2§ '05 ch.53, 24 F
z5 W. Va. Charter of city of Belington. 46§ '05 ch.1, 28 F

2439

Annexation and exclusion of territory

- a Cal. Amdg. '89 ch.280 §1: on petition of *majority* [$\frac{1}{3}$] voters election to be held as to exclusion of territory from municipality; if adverse vote, not to be voted on within 3 yrs. 2§ '05 ch.551, 21 Mr
b Fla. Municipality over 10,000 may be extended to include adjacent territory by ordinance of council & $\frac{2}{3}$ vote of electors; Jacksonville excepted. 4§ '05 ch.93, 29 My
c Id. Method of annexing to municipality adjacent property in 5-acre tracts laid out in blocks or lots. 3§ '05 p.391, 8 Mr
d Ind. Providing for extension of boundaries of city between 6000-7000 not operating under special charter. '03 ch.105, 7 Mr. *Unconst.* Arbitrary classification in effect local legislation. Town of Longview v. City of Crawfordsville 73 N.E. 78 (1905).
e Kan. Amdg. G.S.'01 §1052 rel. to extension of limits of city of 2d or 3d class. 2§ '05 ch.118, 7 Mr
f Minn. Procedure to secure inclusion of land of state inst. in corporate limits of city. 1§ '05 ch.110, 5 Ap
g Minn. City under 10,000 may annex adjoining unincorporated land; proviso; procedure. 4§ '05 ch.191, 15 Ap
h Minn. Land not exceeding 50 acres on petition of 500 resident voters may be annexed to adjoining city of 50,000. 3§
'05 ch.219, 17 Ap
i Minn. City under 10,000 may annex adjoining platted land on petition of owner. 2§ '05 ch.220, 17 Ap
j Minn. District Court may separate from village limits unplotted tract of 80 acres used solely for agricultural purposes on petition of owner. 2§ '05 ch.273, 18 Ap
k Minn. Village under 1000 may annex adjacent tract of 320 acres on unanimous petition of resident voters; proviso. 2§
'05 ch.281, 18 Ap
m Mon. Platted tract of land contiguous to incorporated city or town may be embraced within corporate limits. Rep. P.C. §4726. 2§
'05 ch.30, 21 F
n Pa. Amdg. '03 ch.260 §1: proposition to annex municipality or township to city to be submitted to vote on petition of 5% [20%] legal voters. 1§ '05 ch.158, 19 Ap

2442

Classification of cities

- a N. Y. Amdg. '98 ch.182 §2 rel. to entrance of city into 2d class under census of 1905. 1§ '05 ch.501, 17 My
- b U. Amdg. R.S.'98 §174-75: classification of cities 1st class 30,000 [20,000], 2d class 5000-30,000 [5000-20,000], 3d class under 5000. 2§ '05 ch.99, 9 Mr

2443

Consolidation

- a Pa. Amdg. '93 ch.278 §2 as to adjustment of indebtedness by agreement on consolidation of 2 boroughs. 1§ '05 ch.101, 10 Ap
- b Pa. Boroughs in different counties may consolidate; county containing borough 1st incorporated to have jurisdiction over new borough. Supplements '93 ch.278. 3§ '05 ch.113, 14 Ap
- c Pa. Two contiguous cities in same county may consolidate by annexation of smaller by larger; procedure; apportionment of debts. 12§ '05 ch.161, 20 Ap

2444

Incorporation. Dissolution

- a Kan. Amdg. '86 ch.66 §2: town of 200 [250] may incorporate as city of 3d class. 2§ '05 ch.123, 9 Mr
- b Me. Amdg. R.S.'03 ch.4 §115: organization of unorganized *place* [township]. 1§ '05 ch.2, 8 F
- c Minn. Amdg. G.S.'94 §914 rel. to procedure to secure incorp. as town. 1§ '05 ch.143, 11 Ap
- d N. Y. Amdg. village law '97 ch.414 §25: cost of sustained appeal to prove regularity of vote in favor of incorp. to be village charge. 1§ '05 ch.404, 16 My
- e Okl. Incorp. of town under 1500 located in 2 counties: division into 2 districts, 1 within each county; election of 1 trustee for each ward & 1 at large. 2§ '05 ch.8 art.8, 13 Mr
- f Pa. Amdg. '89 ch.247 art.1 §1 as to vote on proposition to form city of 3d class. 1§ '05 ch.95, 10 Ap
- g S. D. Amdg. P.C. §1418: minimum for incorporating town, 50 voters & 200 inhabitants. 2§ '05 ch.169, 7 Mr
- h Tex. Disposition of corporate property & collection of taxes to pay indebtedness on dissolution of municipality. 6§ '05 ch.134, 17 Ap

2446

Liability for injuries

See also 471, Torts; 2728, Roads

- a Ill. Notice of suit against municipality for personal injury must be filed within 6 mo. & action begun within 1 yr. 4§ '05 p.111, 13 My

2448

Public printing and advertising

See also 697, Legal notices

- a N. J. Publication of call for proposals for city printing contract. Supplements '02 ch.107. 1§ '05 ch.29, 14 Mr

2454

Wards

- a N. J. Mayor of 2d class city on petition of 50% governing bd to appoint com'n of 3 to redivide into wards. 2§ '05 ch.69, 30 Mr

LOCAL GOVERNMENT

- b N. Y. Amdg. village law '97 ch.414 §49, 55: village of 2d class may elect trustees by wards; annual meeting in 2d or 4th class village. 2§ '05 ch.290, 22 Ap
- c Pa. "An act authorizing creation, division & consolidation of wards, in cities of 2d class . . . " 5§ '05 ch.213, 24 Ap
- d Wis. Amdg. S.'98 §925 subdiv.14 as to change of ward lines in cities of 2d, 3d & 4th classes. 2§ '05 ch.123, 29 Ap

2455 Legislative body. Council

- a Fla. Meetings of city or town council or bd of aldermen to be public & records to be open to inspection. 4§ '05 ch.92, 24 My
- b Me. "An act to abolish common council & increase membership of bd of aldermen of city of Portland." 13§ '05 private laws ch.287, 18 Mr
- c N. J. Election & term of council in city organized under '02 ch.107. 2§ '05 ch.256, 2 Je
- d N. Y. Misc. amdots. to Greater N. Y. charter, '97 ch.378 rel. to powers of bd of aldermen & bd of estimate & apportionment. 15§ '05 ch.629, 26 My
- e Pa. Amdg. '93 ch.67 §2: chief burgess to attend meeting of borough council for election of officers. 1§ '05 ch.156, 18 Ap
- f Wis. Cities of 2d 3d & 4th classes may have 1 or 2 aldermen from each ward, on ordinance of common council & majority vote at gen. mun. election. 1§ '05 ch.92, 20 Ap

2459 Number

- a N. Y. Amdg. village law '97 ch.414 §67: village mun. bd may consist of 5 [3] members. 1§ '05 ch.66, 15 Mr

2460 Salaries

- a Wis. Amdg. S.'98 §890: resolution providing annual salary for village trustees to be submitted to vote at following annual election. 2§ '05 ch.44, 29 Mr

2461 Terms

- a Wy. Amdg. '01 ch.69 §3 rel. to term of council in city of 10,000 with special charter. 2§ '05 ch.22, 10 F

2462 Vacancies

- a Ari. Amdg. R.S.'01 §563 rel. to filling vacancy in town council. 2§ '05 ch.38, 16 Mr
- b Mo. Amdg. R.S.'99 §6046 rel. to filling of vacancy in town or village bd of trustees. 1§ '05 p.76, 8 Ap
- c N. J. Governing body of municipality may fill vacancy in bd of chosen freeholders till gen. election. Supplements S.'46 p.181. 2§ '05 ch.7, 21 F

2463 Ordinances

- a Ill. Amdg.'97 p.101 §4 rel. to form of ordinance for local improvement. 1§ '05 p.101, 18 My

2465 **Enactment**

- a **Ill.** Adoption of ordinances for local improvements in cities of 29,000-50,000; referendum in cities of 28,000-50,000. '03 p.101, 15 My. *Unconst.* Arbitrary classification to evade const. provision against local legislation. *L'Hote v. Village of Milford* 72 N.E. 399 (1904).
- b **Mich.** Amdg. '95, ch.215 pt 9 §1: ordinance in city of 4th class to require majority vote of aldermen *exclusive of mayor*. 1§
'05 ch.246, 16 Je

2466 **Enforcement**

- a **Cal.** Amdg. '83 ch. 49 §769, 806, 882 rel. to violation of mun. ordinance in city of 5th & 6th class. 3§
'05 ch.74, 7 Mr
- b **N. J.** Amdg. '99 ch.52 §20, 78: city under 12,000 may prescribe 90 [30] days penalty for breach of ordinance. 4§
'05 ch.199, 28 Ap

2467 **Publication and compilation**

- a **Minn.** Amdg. '85 ch.145 §49 rel. to publication of village ordinance. 1§
'05 ch.26, 2 Mr

2468 **Mayor**

- a **N. J.** Town councilman at large to be designated "mayor." Supplements '95 ch.113. 1§
'05 ch.164, 17 Ap
- b **N. J.** On death of mayor, president of bd having control of finances to act till next election. 2§
'05 ch.196, 28 Ap

2469 **Salary**

- a **Pa.** Borough may pay salary to chief Burgess not to exceed \$50 annually for each 1000 inhabitants. 1§
'05 ch.85, 7 Ap

2470 **Term**

- a **N. Y.** Term of mayor of New York to begin at noon on Jan. 1 after election. '01 ch.466 §94, 22 Ap. *Unconst.* Term of mayor except in 3d class city to expire at end of odd numbered yr. *People v. Fitzgerald* 73 N.E.55 (1905).
- b **Wy.** Amdg. '01 ch.69 §2 rel. to term of mayor in city of 10,000 with special charter. 2§
'05 ch.22, 10 F

2473 **Municipal civil service**

See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.

- a **Ct.** Amdg. G.S.'02 §4443: town *shall* [may] appoint tree warden. 1§
'05 ch.114, 6 Je
- b **Id.** Amdg. '99 p.192 §4, 6, 60 rel. to officers in cities of 2d class: election of councilmen, clerk & police judge; term of officers [except councilmen] 2 yrs [1]. 3§
'05 p.385, 15 Mr
- c **Ill.** Term, salary & powers of mun. officers in Chicago; to be accepted or rejected by people at election designated by city council. Adds art. 12 to '72 p.218. 8§
'05 p.105, 18 My
- d **Kan.** Amdg. '03 ch.122 §16 rel. to election & compensation of officers in city of 1st class. 2§
'05 ch.114, 7 Mr
- e **Kan.** Amdg. '03 ch.122 §173 as to injunction against unauthorized act of officer of city of 1st class. 2§
'05 ch.113, 9 Mr

LOCAL GOVERNMENT

- f** N. J. Mayor of city of 1st class to appoint Civil Service Com'n for fire & police dep'ts. 9§ '05 ch.120, 7 Ap
- g** N. M. Election & term of officers of town or village. 3§ '05 ch.47, 10 Mr
- h** N. M. Mun. officer not to be personally liable for official act. 2§ '05 ch.67, 14 Mr
- i** S. D. Amdg. P.C. §1431-32, 1455: town officers to hold office till 3d Tues. in May; marshal appointed by trustees [elected by people]. 4§ '05 ch.170, 16 F
- j** Wy. Term & salary of mayor & council in city or town of 1000-3500 not a city of 1st or 2d class. 2§ '05 ch.74, 21 F

2474 **Appointments. Election**

- a** Mo. City under 3000 having special charter to elect officers every 2 yrs. 2§ '05 p.83, 8 Ap
- b** N. J. "An act rel. to time of election, appointment & term . . . of officers . . . in . . . townships . . . & municipalities. . ." 8§ '05 ch.3, 15 F
- Amended. '05 ch.192, 27 Ap
- c** N. J. Governing body of 3d class city may fill vacancy in elective office till Jan. election. 1§ '05 ch.13, 1 Mr
- e** Okl. Amdg. S.'93 §653-54, '03 ch.7 art.1 §6: certain officers to be elected annually in incorporated towns not cities of 1st class; 1 trustee to be elected from each *ward* [district]; marshal to be elected [appointed by trustees]; manner of election. 4§ '05 ch.8 art.10, 20 F
- f** Pa. Amdg. '85 ch.33 art.12 §1: directors of public safety & works in city of 1st class to be elected by select & common councils for term of 3 yrs; subject to removal by same bodies. 4§ '05 ch.242, 5 My
- g** S. C. In town under 1000 new election to be held when regular election fails for any reason. Adds '96 ch.37 §23. 1§ '05 ch.469, 4 Mr
- h** Wis. Emergency appointments in cities of 1st class. 1§ '05 ch.88, 17 Ap

2476 **Qualifications**

- a** Id. Amdg. '99 p.192 §9, 42 rel. to qualifications of officers & trustees in cities of 2d class. 3§ '05 p.351, 27 F

2477 **Salaries. Fees**

- a** Ill. Municipality over 100,000 may create employees pension fund by deducting from 1%-2% of annual wages; trustees beneficiaries; reports. 14§ '05 p.96, 16 My
- b** Minn. Salary of mayor or common councilman in city under 10,000 not to exceed \$100 a yr; exceptions. 4§ '05 ch.301, 19 Ap
- c** N. Y. Amdg. '98 ch.182 §452: official fees in city of 2d class to be paid into city treasury. 1§ '05 ch.506, 17 My

2478 **Tenure of office. Discipline**

- a** Cal. Submitting amdt. to Const.1879 art.20 §16: provision of mun. charter to control tenure of office of employees. Vote Nov. 1906. 1§ '05 p.1063, 7 Mr

- b N. Y. Amdg. Greater N. Y. charter, '97 ch.378 §94, 97, 382: term of mayor, compt. & borough presidents 4 [2] yrs. 3§
'05 ch.633, 26 My
- c Wis. Regulating terms of officers in cities other than 1st class. Rep.'01 ch.443, '03 ch.28. 2§
'05 ch.233, 22 My

2480

Special officers

2484 Clerk

- a Fla. Town or city clerk may appoint deputy. 2§ '05 ch.91, 27 My
- b Ill. Term of village clerk 2 yrs; filling vacancy. 2§
'05 p.112, 13 My
- c N. J. Borough clerk to file name & address with county clerk. Supplements '97 ch.161. 1§
'05 ch.131, 12 Ap
- d Wis. Amdg. S.'98 §925 subdiv.25 as to manner of choosing city clerks in cities of 4th class. 1§
'05 ch.215, 16 My

2492

County and township government

See also Specific functions of counties and towns—Roads, Charities Drainage etc.

- a Mich. Amdg. '51 ch.156 §11 rel. to powers of county supervisors. 1§
'05 ch.98, 4 My
- b Minn. County com'rs may change county name on petition of 55% of legal voters. 2§
'05 ch.238, 18 Ap

2493

Boundaries

- a Pa. "An act to provide for running, relocating . . . & marking of county lines." Rep.'76 ch.29. 9§
'05 ch.115, 14 Ap
- b Wash. Rep.'91 ch.144 §1 rel. to annexation of certain county territory by neighboring county. 1§
'05 ch.34, 24 F

2494

Classification of counties

- a Mon. Amdg. P.C. §4328 rel. to classification of counties. 3§
'05 ch.20, 16 F
- b N. M. Classification of counties. 12§
'05 ch.60, 14 Mr

2495

County seats

- a Ga. Holding of court & place of county offices when county site is removed. 3§
'05 p.104, 18 Ag
- b Mo. Amdg. R.S.'99 §6740 rel. to removal of county seat. 1§
'05 p.114, 20 F
- c Neb. Amdg. Ann.S.'03 §4410 rel. to location of county seat: exception. 2§
'05 ch.42, 4 Ap
- d N. M. Amdg. C.L.'97 §630 rel. to removal of county seat. 1§
'05 ch.119, 16 Mr

2497

County records

See also 396, Conveyance; 2522(5, Recorder

- a Cal. Recorder may destroy contracts, plans & specifications on file 2 yrs after completion of work unless notified to retain. Adds P.C. §4247. 1§
'05 ch.11, 15 F

LOCAL GOVERNMENT

- b Cal. Amdg. P.C. §4235 as to form of county record. 1§
'05 ch.53, 3 Mr
- c Fla. County where records concerning title to property are destroyed may condemn abstracts, maps etc. made from records, for public use; proceedings. 12§
'05 ch.43, 7 Je
- d Mich. Amdg. C.L.'97 §11238 rel. to obtaining free copies of records from Probate Court & register & county treasurer: Sup't of Public Instruction to obtain free copies. 1§
'05 ch.144, 25 My
- e Minn. County com'rs may direct transcription of worn or injured record books. 1§
'05 ch.295, 19 Ap
- f Nev. "An act requiring county & district recorders to enter in receiving book each document . . . filed in his office, & providing for file number . . . on official records." 3§
'05 ch.124, 13 Mr
- g U. Amdg. R.S.'98 §1022 as to definition of "folio" in records filed with county recorder. 1§
'05 ch.48, 8 Mr
- h U. Recording instruments in office of county recorder. 1§
'05 ch.51, 8 Mr
- i Wis. Affidavits & notices in sale of lands for taxes by county treasurer to be entered in record book; record to be received in evidence. Adds S.'98 §1141a. 1§
'05 ch.379, 14 Je

2498

New counties. Consolidation. Division

- a Ga. Organization of new counties. 20§
'05 p.46, 21 Ag
- b N. D. Amdg. R.C.'99 §1855 as to temporary appointment of com'rs in new counties. 2§
'05 ch.75, 9 Mr
- c S. C. Investigation on application to create new county as to compliance with const. requirements; com'n duties. 5§
'05 ch.460, 21 F

2501

Governing body

- a Ill. Amdg. R.S.'74 ch.34 §61 rel. to organization & powers of com'rs of Cook county.
'05 p.135, 18 My
- b Wash. Employment of special atty. by county com'rs. 1§
'05 ch.25, 17 F

2504

Election. District. Vacancies. Number. Term

- a Id. Submitting amdt. to Const. 1889 art.18 §10: county com'rs to be elected for 4 [2] yrs. Vote Nov. 1906. 3§
'05 p.437, 2 F
- b Neb. Amdg. C.S.'03 §2430-31 as to election & term of county com'rs in certain counties not under township organization. 3§
'05 ch.46, 4 Ap
- c Neb. Amdg. C.S.'03 §2666-68: supervisors selected in counties under township organization to hold office till gen. election *in even yr* following selection; term 4 [2] yrs. 4§
'05 ch.54, 4 Ap
- d N. D. Redistricting of com'r districts in counties annexing unorganized territory. 2§
'05 ch.71, 25 F
- e Wash. Vacancy in bd of county com'rs to be filled by remaining members & judge of Superior Court. Ballinger Ann.C. & S.'97 §327. *Unconst.* Const. art.11 §6 provides that vacancy in county office be filled by bd of county com'rs. State v. Fulton 79 P 779 (1905).

2505

Meetings

- a Wy. Amdg. R.S.'99 §1057 rel. to meetings of bd of county com'rs. 3§ '05 ch.84, 21 F

2509

Reports. Records

- a Ct. Amdg. G.S.'02 §1749-50: county com'rs to publish annual financial statement & jail returns for yr ending Sep. 30 [June 30]. 3§ '05 ch.133, 15 Je

2510

Salaries. Fees

- a Ill. Fees in county of '3d class. 5§ '05 p.261, 16 My
b Me. Salary of county com'rs. Rep. R.S.'03 ch.80 §22-24. 3§ '05 ch.117, 21 Mr
c Mich. Amdg. '51 ch.156 §30 rel. to compensation of bd of supervisors at special sessions in counties of Upper Peninsula: exception. 1§ '05 ch.237, 16 Je
d Minn. Salary of com'r in county of 150,000-200,000, \$750. 2§ '05 ch.318, 19 Ap
e Neb. Amdg. Ann.S.'03 §9053 rel. to compensation of county com'rs in counties with or without township organization. 2§ '05 ch.71, 3 Ap
f N. M. "An act regulating salaries of county com'rs." 1§ '05 ch.22, 1 Mr
g Pa. Salaries of county com'rs. 2§ '05 ch.122, 14 Ap
h S. D. Compensation of county com'rs. 1§ '05 ch.77, 7 Mr
i Wash. Amdg. '93 ch.75 §8 rel. to mileage of county com'rs. 1§ '05 ch.117, 9 Mr

2512

County civil service

See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.

- a Cal. Amdg. P.C. §4116 rel. to offices & hrs of county officials. 1§ '05 ch.273, 18 Mr
b Id. Submitting amdt. to Const. 1889 art.18 §6 rel. to county, township & precinct officers. Vote Nov. 1906. 3§ '05 p.439, 1 Mr
c Mon. Amdg. P.C. §4597, 4602 rel. to number of deputies allowed county officers. 3§ '05 ch.75, 3 Mr

2513

Appointment. Election

- a S. C. Clerk of County Court to record name of person elected to office & date of election. 1§ '05 ch.491, 7 Mr

2514

Oath. Installation

2515 Bonds

- a Neb. "An act to amend §19 of ch.10 C.S.'99" authorizing county to pay for official bonds. '01 ch.11, 1 Ap. Unconst. Act amended mere list of officers & bonds; subject not included in title. Knight & Lancaster Co. 103 N.W. 1064 (1905).
b Wis. Amdg. S.'98 §702 as to payment of premium on bond of county treasurer & county clerk. 1§ '05 ch.204, 16 My
c Wis. Amdg. S.'98 §1966 subdiv. 38: cost of bond of county officers to be fixed by agreement between county bd & surety co. & not limited to 1/4% of amount of bond. 2§ '05 ch.205, 16 My

LOCAL GOVERNMENT

2516

Qualification

- a Cal. Amdg. '97 ch.287 §54-55 rel. to qualifications of county officers. 5§ '05 ch.556, 21 Mr

2517

Salaries. Fees

- a Ari. Amdg. R.S.'01 §2609 rel. to payment of salaries of officers in county of 1st class. 2§ '05 ch.11, 21 F
- b Cal. Amdg. '97 ch.277 §215 rel. to fees of county officers. 1§ '05 ch.431, 21 Mr
- c Col. Classification of counties for regulation of salaries of county officers. 3§ '05 ch.88, 10 Ap
- d Del. County officers to be paid fixed salaries in lieu of fees. Rep. '01 ch.73, '03 ch.294, 335. 14§ '05 ch.60, 6 Ap
- e Kan. Clerk hire in offices of county officials to be paid direct to employee; official in charge to receive no part of it. 1§ '05 ch.225, 8 Mr
- f N. M. Salaries of certain county officials. 12§ '05 ch.60, 14 Mr
- g N. M. Compensation of probate clerk & ex officio recorder. Rep. '01 ch.27 §6 rel. to salary of county sup't of schools. 3§ '05 ch.117, 16 Mr
- h N. D. Fixing salaries of deputies in county offices. 4§ '05 ch.79, 7 Mr
- i Or. Amdg. '03 (special session) p.26 rel. to fees of recorders of conveyances & certain county clerks. 1§ '05 ch.27, 6 F
- j Or. Amdg. Ann.C. & S. §2937-38 rel. to salaries of different officers of Douglas county. 3§ '05 ch.94, 18 F
- k S. C. "An act to fix . . . compensation to be paid to county officers. . . " 55§ '05 ch.462, 22 F
- m U. Amdg. R.S.'98 §2057 rel. to salary of county officers. '05 ch.81, 9 Mr
- n Wash. Amdg. '90 p.302 §3 rel. to salary of officers in county of 1st class. 1§ '05 ch.21, 15 F

2518

Tenure of office. Discipline

- a Neb. Amdg. Ann.S.'03 §9244: *District Court* [bd of county com'rs] to have exclusive original jurisdiction in case of removal of county officers. 2§ '05 ch.51, 1 Ap

2519

Special officers

- a Neb. Rep. Ann.S.'03 §4465 which authorized county bd to employ county atty. at \$1000 salary. 1§ '05 ch.45, 29 Mr

2521

Clerk

- a Minn. Town clerk may hold office in village which prior to incorp. was part of town. 1§ '05 ch.98, 31 Mr
- b Okl. Amdg. '97 ch.15 art.1 §27 as to annual allowance to county clerks for clerk hire. 2§ '05 ch.19 art.1, 10 Mr
- c Or. Amdg. Ann.C. & S. §2570 rel. to qualifications & election of clerk of Multnomah county. 1§ '05 ch.93, 18 F
- d U. Amdg. R.S.'98 §972 rel. to county clerks' fees. 1§ '05 ch.73, 9 Mr

- a Wy. Amdg. R.S.'99 §1140 rel. to appointment & pay of deputy county clerk. 1§ '05 ch.25, 10 F
- 2522(5) **Recorder. Register of deeds**
 - a Ill. Amdg. R.S.'74 ch.115 §9 as to office hrs & fees of recorder of deeds. 1§ '05 p.352, 16 My
 - b Me. Amdg. R.S. ch.117 §18: fee for recording certificate of incorp. & copies for filing with Sec. of State, \$5. 1§ '05 ch.154, 24 Mr
 - c Me. Salary of register of deeds. 1§ '05 ch.173, 24 Mr
 - d Neb. Amdg. C.S.'03 §2455, as to time of election of register of deeds in counties of 18,003. §2 '05 ch.47, 4 Ap
 - e N. J. County register of deeds & mortgages may appoint deputy; duties, bond. 6§ '05 ch.15, 7 Mr
 - f N. J. Amdg. '04 ch.18 §1: county of 110,000 [99,000] to have register of deeds; proviso. 1§ '05 ch.214, 28 Ap
 - g S. D. Amdg. '03 ch.207 §1: in county of 30,000 bd of county com'rs may allow register of deeds \$1500 a yr. 2§ '05 ch.152, 7 Mr
 - h U. Amdg. R.S.'98 §628: recorders to take acknowledgments & administer oath. 1§ '05 ch.8, 15 F
 - i U. Amdg. R.S.'98 §973 rel. to fees of county recorders. 1§ '05 ch.47, 8 Mr

2523 Surveyor. Engineer

See also 386, Property lines

- a Neb. In counties of 50,000 surveyor to be ex officio engineer. '03 ch.32, 8 Ap. *Unconst.* There being but two counties with that population, act is in effect local. *State v. Scott* 100 N.W.812 (1904).
- b Neb. Amdg. C.S.'03 §2523: county surveyor in counties of 50,000 to be county engineer; powers and duties. 2§ '05 ch.50, 30 Mr
- c O. Judges of Court of Common Pleas of each county to fix salary of county surveyor. '04 p.313, 25 Ap. *Unconst.* Leg. power can not be delegated. *State v. Rogers* 73 N.E.461 (1905).
- d Pa. Amdg. '83 ch.102 §1: county engineer may appoint deputy removable at pleasure; salary \$2500. 1§ '05 ch.120, 14 Ap
- e Tex. Amdg. R.C.S.'95 art.4070: during vacancy of office of county surveyor, surveyor of nearest county or district may act. 1§ '05 ch.151, 18 Ap

2526

Townships. Towns

Under this head are included governments that constitute the primary division of the county. In the New England states and in New York and Wisconsin towns are primary divisions of the county and are classed here; in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

- a Mass. Town bylaws adopted prior to '04 ch.344 to continue in force without approval of Atty. Gen. Rep.'04 ch.344 §2. 1§ '05 ch.144, 7 Mr
- b Mich. Sec. of State to publish *Township Officers' Guide* & distribute to township officers. 7§ '05 ch.294, 17 Je
- c Pa. Townships of 1st class not having required population may change to 2d class. 2§ '05 ch.18, 14 Mr

LOCAL GOVERNMENT

- d Pa. Amdg. '99 ch.86 §7 subdiv.9: township may prescribe \$50 [\$10] fine for breach of ordinance. 2§ '05 ch.160, 19 Ap
- 2527 **Records**
- a Ct. Public records in municipality & probate district: record of instruments by town clerks; fees; fireproof vaults. Rep. G.S.'02 §1848. 6§ '05 ch.239, 18 Jl
- 2530 **Organization. Division. Consolidation. Dissolution**
- a Mich. Amdg. '51 ch.156 pt 85 §14: bd of supervisors to *vacate* or alter township boundary by $\frac{2}{3}$ [majority] vote. 1§ '05 ch.46, 6 Ap
- b Mich. Amdg. '69 ch.66 §2 as to fee of State Land Office for township plat. 1§ '05 ch.278, 16 Je
- c N. J. Disposition of real estate when village separates from township. Supplements '04 ch.153. 1§ '05 ch.147, 14 Ap
- d N. D. Consolidation of townships. 5§ '05 ch.178, 7 Mr
- e N. D. Amdg. R.C.'99 §2526: petition for organization of congressional township with assessed valuation of \$40,000. 1§ '05 ch.179, 9 Mr
- f Pa. Amdg. '99 ch.86 §1, 2: townships of 250 [300] to sq. mile to constitute 1st class. 2§ '05 ch.72, 1 Ap
- g Pa. Election to vote on question of division of township to be held on petition of owners of 25% of assessed real estate. 2§ '05 ch.201, 22 Ap
- h Wis. Organization of new towns. Adds S.'98 §775a-e. 5§ '05 ch.21, 20 Mr
- 2531 **Meetings. Elections**
- a Ct. Amdg. Const.1818 by adding section: towns may hold annual or biennial elections. Adopted Oct. 1905. '03 p.207, 20 My; '05 ch.190, 29 Je
- b N. J. Amdg. '99 ch.169 §84 rel. to township election to vote on bond issue. 1§ '05 ch.129, 12 Ap
- 2533 **Boards. Officers**
- Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.
- a Ill. Amdg. '01 p.314 §1-2, 5 rel. to officers in township within city of 50,000. 3§ '05 ch.397, 16 My
- b Me. Amdg. R.S.'03 ch.4 §12 as to election of selectmen, overseers of poor & assessors. 1§ '05 ch.170, 24 Mr
- c N. J. Township of 8000 to be divided into not less than 3 wards; township committee to consist of 2 from each ward & member at large. Supplements '99 ch.169. 3§ '05 ch.209, 28 Ap
- d N. D. Amdg. R.C.'99 §2541 rel. to election & term of township officers. 1§ '05 ch.182, 1 Mr
- 2536 **Tenure of office**
- a Kan. Term of township officer to begin 2d Mon. in Jan.; not to apply to existing City Courts. 1§ '05 ch.506, 17 F

2538 Special officers

See also 2588, Financial officers

2542 Governing board

- a **Minn.** Amdg. G.S.'94 §928 rel. to election of town supervisors. 1§ '05 ch.243, 18 Ap
- b **N. J.** Where vacancies in township bd exceed $\frac{1}{2}$ total membership Gov. to appoint substitutes till next election. Supplements '99 ch.169. 1§ '05 ch.194, 28 Ap
- c **N. Y.** Amdg. town law '90 ch.569 §178 subdiv.3 rel. to fees of town supervisors. 1§ '05 ch.642, 26 My

2550

Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under Taxation, as such provisions usually apply to all classes of taxes. *See* particularly 2237, School finance.

2552

Property

2554

Eminent domain

- a **Wis.** Villages or cities specially incorporated, except cities of 1st class, condemning lands for public grounds & buildings to take fee simple title, otherwise only title to necessary interest. 2§ '05 ch.240, 24 My

2555

Buildings and grounds

- a **Mon.** County com'rs to issue bonds for purchase of building site. Adds P.C. §4230 subdiv.27. 2§ '05 ch.40, 27 F
- b **Mon.** Amdg. P.C. §4240 rel. to issue of bonds by county com'rs to redeem bonds given for purchase of building sites. 2§ '05 ch.41, 27 F

2556 Municipal

- a **Ill.** Petition for election to decide on purchase or lease for over 5 yrs of town hall to be presented by 25 electors. 1§ '05 p.397, 13 My

2557 County

- a **Id.** Counties may issue bonds for erecting county buildings on $\frac{1}{2}$ vote of electors at special election. Rep. R.S.'87 §1762. 6§ '05 p.73, 21 F
- b **Id.** Amdg. R.S.'87 §1761: county offices to be provided for county assessor, surveyor and sup't of public instruction. 1§ '05 p.228, 8 Mr
- c **Minn.** County may condemn site for public building. 9§ '05 ch.7, 9 F
- d **Minn.** County without courthouse may incur bonded debt to build one. 7§ '05 ch.175, 14 Ap
- e **Minn.** County of 75,000 may erect new courthouse or jail; com'n of 5 to superintend work. 9§ '05 ch.232, 17 Ap
- f **N. J.** "An act to provide accommodations for courts & county offices . . . " to apply only to counties of 200,000. '01 ch.123, 22 Mr. *Unconst.* Arbitrary classification making act special. *Dickinson v. Bd of Freeholders of Hudson Co.* 60A.220 (1905).

LOCAL GOVERNMENT

- g N. M. County com'rs may levy tax for erection of suitable jail or courthouse. 3§ '05 ch.54, 13 Mr
- h N. D. Amdg. R.C.'99 §1925 rel. to contracts for county build-ings. 2§ '05 ch.72, 13 Mr
- i Vt. Auditor to decide proportion of janitor service for county courthouses to be paid by state. 1§ '04 ch.172, 16 N
- 2558 Insurance
 - a Mass. "An act to authorize cities & towns to establish mun. build- ing insurance funds." 4§ '05 ch.191, 17 Mr
 - b N. J. "An act to authorize cities . . . to insure their buildings." 8§ '05 ch.33, 14 Mr
- 2559 Property and supplies generally
 - a Ct. Establishing bd of contract & supply for city of Hartford. 3§ '05 special acts ch.216, 11 My
- 2560 Contracts
- 2561 Officers interest in contracts
 - a U. Amdg. R.S.'98 §1890: trustee not to have pecuniary interest in school-building contracts. 1§ '05 ch.57, 9 Mr
- 2564 Sale of property
 - a Or. County court may sell any county land used for poor farm or not used for county purposes; reinvestment of proceeds. 3§ '05 ch.201, 21 F
- 2566 Taxes

See also 2577, Tax levy

 - a N. M. Mun. corp. may levy tax for light & water supply; proviso. 2§ '05 ch.63, 14 Mr
- 2569 Special assessments

See also Special purposes of assessments: streets, sewers, drains etc.

 - a Cal. Amdg. '85 ch.153 §3 as to time of hearing objection to mun. assm't for gutter. 1§ '05 ch.67, 6 Mr
 - b Ill. Amdg. '97 p.101 §37 as to jurisdiction of City Court over peti- tion for special assmt. of tax. 1§ '05 p.102, 13 Ap
 - c Ill. Amdg. '97 p.101 §59 rel. to supplemental assmt. for local im- provement; procedure. 1§ '05 p.103, 18 My
 - d Kan. Amdg. G.S.'01 §972 as to assmt. for paving & improving squares. 2§ '05 ch.116, 4 Mr
 - e Mon. City or town may levy special assmt. in instalments & issue improvement bonds on property benefited. 5§ '05 ch.73, 3 Mr
 - f N. J. Consolidated or annexed municipalities may make assmts. for improvements authorized before consolidation. 3§ '05 ch.219, 29 Ap
 - g Or. Amdg. '93 p.171 §1: resident of city or town [city of 2500] may pay certain assmts. by instalments. 1§ '05 ch.25, 3 F
 - h Wash. County land in corporate limits may be taxed for local improvements. 4§ '05 ch.29, 23 F
 - i Wash. State land in corporate limits of city or town may be assessed for local improvements; provisos. 7§ '05 ch.144, 9 Mr

- j Wash. Assmt. by city council for local improvement can be challenged only on ground of fraud. 1§ '05 ch.150, 9 Mr
- 2572 Collection
 - a Minn. Amdg. '02 ch.2 §51 rel. to apportionment of penalties on delinquent special mun. assmts. 1§ '05 ch.239, 18 Ap
 - b N. J. Governing bd of city of 3d class may provide for payment of special assmts. within 5 yrs from levy; discounts. 2§ '05 ch.162, 17 Ap
 - c N. J. Interest on overdue street improvement assmt.; sale of property. Supplements '98 ch.200. 2§ '05 ch.167, 17 Ap
 - d Wash. Procedure to foreclose delinquent special assmt. in 3d or 4th class city. 2§ '05 ch.120, 9 Mr
 - e Wis. Amdg. S.'98 §1210e as to stay of actions arising from special assmts. when assmt. is invalid; removal of stay. Adds §1210ee. 2§ '05 ch.294, 3 Je
- 2573 Reassessment
 - a Wis. Amdg. S.'98 §1210d rel. to reassmt. of void special assmts.; assmts. for building or repair of city docks. 1§ '05 ch.501, 20 Je
- 2575 Budget. Accounts
 - a Neb. Contract not authorized by law entered into by county bd to be void as against county; liability of officer for funds paid out. 3§ '05 ch.55, 30 Mr
- 2577 Appropriation. Tax levy. Expenditures
 - a Ill. Amdg. '01 p.272 §2 as to reduction of tax rate for city or county purposes. 1§ '05 p.365, 29 Mr
 - b Kan. Amdg. G.S.'01 §4700 rel. to enjoining illegal tax levy. 2§ '05 ch.334, 4 Mr
 - c Minn. Amdg. G.S.'94 §1558 rel. to taxation for township purposes. 1§ '05 ch.69, 23 Mr
 - d Mo. Census & tax levy in city of 4th class. Adds R.S.'99 §5895a. 1§ '05 p.80, 27 F
 - e Mo. Amdg. R.S.'99 §5853 as to rate of tax levy in city of 3d class. 1§ '05 p.78, 12 Ap
 - f Neb. Amdg. C.S.'03 §2656: town tax levy for purposes other than roads & bridges, 2 [3] mills; electors to fix amount necessary for purposes; county bd to levy tax, total not exceeding 14 [15] mills. 2§ '05 ch.52, 9 Mr; '05 ch.53, 3 Ap
 - g N. J. In municipality where tax is raised or fixed by vote of people, vote to be taken at gen. election in Nov. 2§ '05 ch.4, 15 F
 - h N. J. Amdg. '05 ch.4 §1: tax levy *except in school district* to be voted on in Nov. 1§ '05 ch.36, 15 Mr
 - i N. D. Amdg. R.C.'99 §2365 ¶16: village trustees may levy annual tax of 1% [$\frac{1}{2}$ %]. 1§ '05 ch.186, 25 F
 - j Okl. Amdg. S.'03 §5997 rel. to county tax levy: for salaries 4 mills; court expenses 5 [3] mills; poor & insane $1\frac{1}{2}$ [3] mills; supplies $1\frac{1}{2}$ [3] mills. 2§ '05 ch.31 art.5, 11 Mr

LOCAL GOVERNMENT

- k** Or. Amdg. Ann. C. & S. §3098 as to time of filing notice of rate of tax levy. 2§ '05 ch.7, 27 Ja
- m** Or. Tax levy to terminate in even mills or fractions of $\frac{1}{16}$ mill. 2§ '05 ch.127, 21 F
- n** Tex. Submitting amdt. to Const. 1876 art.8 §9: county, city or town tax of $1\frac{1}{2}$ mills on \$1 may be levied to pay jurors. Vote Nov. 1906. 2§ '05 p.411, 15 Ap
- p** U. Amdg. R.S.'98 §264: confirms certain special city taxes & provides for relevy of others after annulment. 1§ '05 ch.74, 9 Mr
- q** W. Va. Amdg. C. ch.39 §29 rel. to county tax levies. 1§ '05 ch.48, 11 F
- 2578 Limit of taxation**
- a** Nev. Amdg. '03 ch.78 §1, 2, 12: county tax for 1905 to be $2\frac{1}{2}\%$ less than in 1904 in county with rate not exceeding \$1.50 on \$1000 assessed valuation; 5% reduction if 1904 rate was over that amount. Rep. §11. 2§ '05 ch.85, 17 Mr; '05 ch.86, 16 Mr
- b** S. D. Amdg. P.C. §2137: total rate of county taxation not to exceed 10 [8] mills on \$1. 2§ '05 ch.43, 24 F
- c** Vt. Amdg. S. §2890: county tax shall not exceed \$3000 or 20 [10] on \$1 of grand list. 1§ '04 ch.72, 29 N
- d** W. Va. Mun. authorities to levy but $\frac{1}{2}$ maximum rate fixed by C. ch.47 or leg. act; additional tax levy only on $\frac{2}{3}$ vote of electors. 1§ '05 ch.50, 15 F

2579

Examination and audit

- a** Kan. Amdg. G.S.'01 §1695: county com'rs *at pleasure* [once a quarter] may order exam. of accounts of county treasurer. 2§ '05 ch.187, 4 Mr
- b** Mich. Amdg. R.S.'46 ch.16 §72: township bd to meet annually on 2d Tues. before annual township meeting, to audit claims. 1§ '05 ch.149, 1 Je
- c** N. Y. Amdg. town law '90 ch.569 §162: member of town bd or bd of auditors not to present for audit claim assigned to him. 1§ '05 ch.89, 21 Mr
- d** Okl. County com'rs may appoint person as accountant & auditor to examine & report on county affairs; exam. biennially; bd to employ on request of $\frac{1}{2}$ voters of county. 4§ '05 ch.1, 2 Mr
- e** S. D. Amdg. P.C. §1452: bd of trustees of town to examine accounts of treasurer between 1st & last Mon. of Feb. [Ap]. 2§ '05 ch.171, 27 F
- f** Tex. Amdg. Pen.C.'95, art.278 rel. to furnishing detailed statement of county fund by county treasurer. 1§ '05 ch.149, 18 Ap
- g** Wash. Amdg. '93 ch.71 §5: county treasurer to account for taxes due city of 1st class on *10th of each mo.* [every Mon.]. 1§ '05 ch.157, 11 Mr

2581

Reports

- a** Kan. Township treasurer to publish full financial report annually in Oct. 1§ '05 ch.507, 8 Mr

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1905

- b Minn. Amdg. G.S.'94 §1223 rel. to publication of annual statement of village treasurer. 2§ '05 ch.74, 24 Mr
 - c N. C. Amdg. C. §752: county may publish financial statement *after each monthly meeting* [annually]. 1§ '05 ch.227, 18 F
 - d Vt. Amdg. S. §2947: statement of county finances to be published in *every* [1 or more] newspaper in county. 1§ '04 ch.73, 4 N
 - e W. Va. Mun. corp. to publish annual financial statements; contents; prosecution. 1§ '05 ch.52, 25 F
- 2583 State supervision. Uniform accounts
See also 55, State examiner; 856, State accounts
- a Ari. Providing for uniformity & supervision of county accounts. Rep. Pen.C. §816. 9§ '05 ch.40, 16 Mr
 - b Ct. Amdg. G.S.'02 §2364 rel. to quadrennial return of county & mun. debt & expenditure. 1§ '05 ch.22, 2 My
 - c Minn. Public examiner to audit accounts of city of 50,000; compensation \$6 a day; exceptions. 1§ '05 ch.223, 17 Ap
 - d N. Y. "An act to provide for annual reports & exam. of accounts of counties, cities of 2d & 3d classes & villages . . . of 3000; tabulation of comparative statistics as to cost of maintaining . . . gov't . . ." 9§ '05 ch.705, 3 Je
 - e S. D. Amdg. P.C. §77: State Auditor's report to show financial condition of counties. 1§ '05 ch.165, 20 F
- 2584 Fiscal year
- a N. J. Fiscal yr in municipalities & townships except in cities of 1st & 2d classes to begin Jan. 1. 2§ '05 ch.178, 19 Ap
- 2585 Warrants
- a Kan. Amdg. '91 ch.249 §8 as to publication of call to retire certain mun. county & school warrants. 2§ '05 ch.524, 9 Mr
- 2586 Claims. Judgments
- a Ill. Amdg. R.S.'74 ch.34 §34 rel. to satisfaction of judgment against county. 1§ '05 p.134, 13 My
 - b Kan. Registration & payment of judgments against city of 1st class. 4§ '05 ch.107, 7 Mr
 - c N. C. Amdg. C. §712: register as ex officio clerk of bd of county com'rs may administer oath to persons presenting claims against county. 1§ '05 ch.530, 6 Mr
 - d Pa. Judgment rendered by justice of peace or alderman against borough, township or school district to be filed with county prothonotary within 1 week or lose its character as record. 5§ '05 ch.207, 22 Ap
 - e S. D. City may issue bonds to satisfy judgment on prior bonds. 5§ '05 ch.65, 8 Mr
- 2587 Funds
- a Ill. Amdg. '89 p.239 art.4 §3 rel. to loan of township funds. 1§ '05 p.378, 12 My
 - b Ind. Amdg. '99 ch.154 §24 rel. to disposition of unexhausted county appropriation. 1§ '05 ch.70, 3 Mr

LOCAL GOVERNMENT

- c **Minn.** County sinking fund may be invested in 1st mortgage loans on improved farm land to 50% of its market value. 2§
'05 ch.202, 15 Ap
- d **Mo.** Amdg. R.S.'99 §1801: County Court may loan sinking fund at 5% [6%]. 1§
'05 p.115, 8 Ap
- e **S. D.** County may invest or loan sinking fund on vote of bd of county com'rs; investments specified. 4§
'05 ch.156, 6 Mr
- f **Tex.** Investment of sinking fund of county, city, town or school district. 1§
'05 ch.21, 15 Mr

2588

Financial officers

2589 Municipal

- a **Ct.** Creating bd of finance of city of Hartford.. 7§
'05 special acts ch.70, 5 Ap
- b **Mass.** Term of city auditor 3 yrs in cities accepting the act. 5§
'05 ch.373, 5 My
- c **N. J.** City may increase salary of Compt. to \$2500; proviso. 2§
'05 ch.266, 6 Jl

2593 County

- a **Id.** Amdg. '01 p.233 §156: county treasurers to make quarterly reports to State Land Bd. 1§
'05 p.128, 8 Mr
- b **Kan.** Amdg. '72 ch.67 §2: county auditor to give bond of \$3000 [\$50,000]; surety co. may act as security. 2§
'05 ch.186, 7 Mr
- c **Me.** Salary of county treasurer. 1§
'05 ch.116, 21 Mr
- d **Mich.** Amdg. Const. 1850 art.10 §10: Genesee county to have county bd of auditors. Adopted Ap. 1905. 1§
'05 p.530
- e **Minn.** Salary of auditor in county of 150,000, \$4500; number & compensation of clerical assistants. 3§
'05 ch.206, 17 Ap
- f **Mon.** Number & compensation of deputy county auditors in county of 1st class. 2§
'05 ch.88, 4 Mr
- fr **Mon.** Number & compensation of assistants to treasurer in county of 1st class. 2§
'05 ch.97, 4 Mr
- g **Neb.** Amdg. Ann.S.'03 §9020: county treasurer required in certain cases to give additional [freehold] surety or sureties. 3§
'05 ch.11, 25 Mr
- h **Neb.** County to pay premium limited to $\frac{1}{2}$ % a yr of penalty in bond on surety bond of county treasurer. 2§
'05 ch.49, 30 Mr
- i **N. Y.** Amdg. county law '92 ch.686 §140a as to security for deputy county treasurer. 1§
'05 ch.276, 22 Ap
- j **Pa.** Gov. to fill vacancy in office of county treasurer till next gen. election. 2§
'05 ch.128, 17 Ap
- k **S. D.** Amdg. P.C. §1796: term of county auditor to begin 1st Mon. in March. 2§
'05 ch.75, 11 F
- m **S. D.** Amdg. P.C. §2221 as to compensation of auditors in unorganized counties. 2§
'05 ch.52, 8 Mr
- n **Tex.** Judges of county having city of 25,000 to appoint county auditor; duties; salary \$2400. 20§
'05 ch.161, 22 Ap
- p **U.** Amdg. R.S.'98 §2664 rel. to penalty for refusal of county treasurer to settle as required by law. 1§
'05 ch.49, 8 Mr

2597

Debts, Bonds

See also 2245, School finance; 2571, Special assessments; 2672, Sewerage; 2684, Parks

- a **Id.** Submitting amdt. to Const. 1889 art.8 §3: local divisions may incur public indebtedness on *majority* [3] vote at special election. Vote Nov. 1906. 4§ '05 p.435, 10 Mr
- b **Ill.** County may issue bonds for indebtedness over 75c on \$100; popular vote; election procedure; sale of bonds; tax levy for interest. 10§ '05 p.132, 13 My
- c **Ind.** Township may fund debt in excess of what current taxes can discharge issuing 15 yr 6% coupon bonds to const. debt limit. 2§ '05 ch.31, 23 F
- d **Kan.** Amdg. '89 ch.225: city may retire bonds before maturity. 2§ '05 ch.382, 4 Mr
- e **Kan.** 2d or 3d class city on petition of $\frac{1}{2}$ taxpayers may issue bonds to fund floating indebtedness. 4§ '05 ch.119, 8 Mr
- f **Minn.** Amdg. '03 ch.36 §1-2 rel. to town bond issue for roads, bridges or town hall. 2§ '05 ch.11, 17 F
- g **Minn.** City under 10,000 may fund floating debt & if debt limit has been reached it shall issue no further interest-bearing securities. 4§ '05 ch.20, 2 Mr
- h **Minn.** County may fund bonded & floating debt by issue prior to Jan. 1, 1906 of 10 yr bonds bearing no greater interest than original debt. 1§ '05 ch.65, 23 Mr
- i **Minn.** Village may issue 15 yr 6% bonds to refund floating debt. 2§ '05 ch.123, 7 Ap
- j **Minn.** City of 50,000 may issue bonds to retire bonds which constitute lien on mun. water or gas plant; new lien created. 5§ '05 ch.172, 13 Ap
- k **Mo.** Amdg. R.S.'99 §5968 rel. to bond issue by 4th class city to erect public building or bridge. 1§ '05 p.80, 9 Mr
- m **Mo.** Submitting amdt. to Const. 1875 art.10 §12: political corp. with assent of $\frac{2}{3}$ voters may become indebted to amount greater than annual revenue *for grading, constructing, paving & maintaining roads*. Vote Nov. 1906. '05 p.309
- n **Neb.** County bd to levy special tax annually till outstanding road district warrants are paid. 3§ '05 ch.127, 28 Mr
- p **N. J.** City may issue 20 to 50 yr 5% bonds to retire maturing bonds; sale; sinking fund. 2§ '05 ch.16, 8 Mr
- q **N. J.** Duplicate borough bond to be issued to replace one lost or destroyed. Supplements '97 ch.161. 1§ '05 ch.111, 6 Ap
- r **N. J.** Amdg. '84 ch. 133 §3 rel. to management & investment of sinking fund for mun. water bonds. 1§ '05 ch.148, 14 Ap
- s **N. J.** Rep. '04 ch.164 which allowed issue of mun. or township bonds to fund bonds or floating debt; tax levy of 2% for sinking fund. 1§ '05 ch.165, 17 Ap
- t **N. J.** County of 1st class may renew 90% of bonds at maturity. 2§ '05 ch.174, 19 Ap

LOCAL GOVERNMENT

- u N. J. City which has issued over \$50,000 in bonds for police stations obligated to repay \$10,000 annually, may before maturity retire by issue of 20 yr 4% bonds. 2§ '05 ch.206, 28 Ap
 - v N. J. Rep. '03 ch.241 which provided that improvement certificate 10 yrs after issue should be "lawful debt" collectable with interest irrespective of date of maturity. 1§ '05 ch.241, 16 My
 - w N. Y. Amdg. '90 ch.564 §51: mun. corp. need not give security for stock issued to replace lost or destroyed certificates but is fully liable. 1§ '05 ch.35, 7 Mr
 - x N. D. Mun. corp. townships & school districts may issue refunding bonds; limitations. 8§ '05 ch.54, 13 Mr
 - y Okl. Issuance of bonds by county, city of 1st class & bds of education of city, township & school district to refund indebtedness. 14§ '05 ch.7 art.3, 11 Mr
 - z S. D. County when authorized by majority vote of electors may fund debt. 1§ '05 ch.59, 3 Mr
 - z1 S. D. Amdg. P.C. §1484: town may fund *outstanding* [bonded] debt. 2§ '05 ch.58, 10 Mr
 - z2 Tenn. Counties and incorporated cities & towns may refund outstanding bonds; provisos. 2§ '05 ch.506, 17 Ap
 - z3 Wis. Amdg. S.'98 §925 subdiv.133 rel. to issue of bonds by cities: bonds issued for street improvements, schools, waterworks, sewerage & parks & public grounds not to require vote of people unless petition by 10% of voters filed within 30 days of passage of ordinance. 1§ '05 ch.61, 8 Ap
 - z4 Wis. Amdg. S.'98 §925 subdiv. 133 rel. to issue of city bonds: issue authorized for acquiring & maintaining public docks; refunding. '05 ch.311, 7 Je
 - z5 Wis. Amdg. S.'98 §943 rel. to issuance of mun. bonds: act not to apply to funding bonds. 1§ '05 ch.378, 14 Je
 - z6 Wy. Certification of mun. bonds. 2§ '05 ch.94, 21 F
- 2598 **Limitation of indebtedness**
- a Fla. Municipality not having special charter, may on vote of people issue bonds for mun. purpose to 10% value of assessed property. 2§ '05 ch.94, 19 My
 - b Minn. Amdg. '95 ch.120 §8: mun. bond issue for waterworks authorized by $\frac{2}{3}$ vote of electors not to constitute part of "total indebtedness." 1§ '05 ch.100, 31 Mr
 - c N. Y. Submitting amdt. to Const. 1894 art.8 §10 excepting debts of New York city for water supply from const. limit of city indebtedness. Adopted Nov. 1905. '01 p.1804, 14 Mr; '03 p.1456, 23 Ap
 - d S. C. Ratifying amdt. to Const. 1895 art.8 §7 adopted by people Nov. 1904: Greenville may increase bonded debt to 15% of taxable property for street improvement or sewerage; purchase of water or electric light plant or payment of past indebtedness. 1§ '05 ch.479, 20 F
 - e Vt. "An act limiting mun. indebtedness." 4§ '04 ch.79, 9 D

- f W. Va. Limiting amount of indebtedness of counties, school districts & mun. corp. to $2\frac{1}{2}\%$ of taxable property. 2§ '05 ch.51, 15 F

2599 Temporary debt

- a U. "An act authorizing cities of 1st & 2d classes to issue script against funds to be raised by special taxes . . . issuing . . . enforcement & redemption thereof." 4§ '05 ch.77, 9 Mr

2600 Deposits and depositories

- a Id. Deposit of county moneys in banks: banks to pay 2% interest; security of funds; semiannual investigation of bonds & sureties. 11§ '05 p.99, 6 Mr
- b N. D. Amdg. R.C.'99 §1944, 1949: bank designated as county depository must offer from 2% to 3% on deposits subject to check. 2§ '05 ch.74, 13 Mr
- c Okl. "An act in relation to county depositories & regulation thereof." 9§ '05 ch.11 art.2, 9 Mr
- d Tex. Deposit of mun. funds. 8§ '05 ch.123, 15 Ap
- e Wash. City of 75,000 to designate mun. depository; bonds. 3§ '05 ch.103, 9 Mr

2601 Police, *see* 872

2603 Fire department

See also 1092, Fires

- a Cal. Amdg. '83 ch.49 §813 rel. to fire dep't in city of 5th class. 1§ '05 ch.20, 20 F
- b N. H. Fire apparatus to have right of way; penalty for obstruction. 1§ '05 ch.66, 9 Mr

2605 Fire districts

- a N. J. Camp meeting grounds to be fire district; com'rs; special assmts. 4§ '05 ch.222, 29 Ap
- b N. J. "An act prescribing manner in which . . . fire district shall succeed to . . . certain assets & liabilities of . . . fire district out of which it is created." 2§ '05 ch.223, 29 Ap

2606 Finances

2607 Appropriation. Taxes. Bonds

- a S. D. Amdg. P.C. §1525: municipality having paid fire dep't of 6 men at salary of \$40 a mo. each, entitled to share of insurance tax. 1§ '05 ch.127, 7 Mr

2608 Property

2610 Buildings

- a N. J. City may issue 20 yr 5% bonds to \$25,000 to erect fire engine house. 2§ '05 ch.169, 17 Ap

2611 Independent and volunteer companies

- a N. J. Municipality may pay volunteer fireman \$12 a yr. 3§ '05 ch.175, 19 Ap
- b N. Y. Amdg. village law '97 ch.414 §202: hose co. in village of 1800 may have membership of 50. 1§ '05 ch.220, 18 Ap

LOCAL GOVERNMENT

2612

Officers*See also* 1093, Fire marshal**2613 Appointment and removal**

- a **N. H.** Amdg. P.S. ch.53 §7, 14: village com'rs to appoint fire engineers; removal. 3§ '05 ch.99, 10 Mr

2616 Pensions. Relief

- a **Cal.** "An act to create firemen's relief, health, life insurance & pension fund in counties, cities & towns of state." 14§ '05 ch.351, 20 Mr
- b **Ill.** Amdg. '95 p.104 §1: 50% [25%] annual license fee of foreign fire insurance co. to go to firemen's pension fund. 1§ '05 p.100, 12 My
- c **N. J.** Paid fire dep't in city below 1st class may incorporate to create pension fund for widows, dependent parents & children. 15§ '05 ch.65, 28 Mr
- d **N. Y.** Amdg. '98 ch.182 §205 rel. to management of firemen's pension fund in 2d class city. 2§ '05 ch.444, 16 My
- e **N. Y.** Establishing firemen's pension fund for city of Troy. 9§ '05 ch.488, 17 My

2618 Vacations

- a **Cal.** Amdg. '95 ch.84 §1: member of fire dep't to have annual vacation of from 5-15 [10] days & 4 [2] days a mo. 1§ '05 ch.44, 3 Mr

2619

State firemen's associations

- a **Kan.** Amdg. G.S.'01 §3417-18: 3% of fire insurance tax collected in city with organized volunteer fire dep't to be paid to State Fireman's Ass'n for prizes for efficient service. 3§ '05 ch.272, 4 Mr

2620

Public works. Public improvements*See also* 1054, Cemeteries; 1063, Morgue

- a **Cal.** Amdg. '85 ch.153 §2 rel. to street improvement & sewers. 1§ '05 ch.19, 20 F
- b **Id.** Incorporated city, town or village of 1000 may issue bonds for street improvement & sewer construction; sewer assmts. 11§ '05 p.297, 24 F
- c **Id.** Submitting amdt. to Const. 1889 art.8 §4: local divisions may vote donations to works of internal improvement on submission to voters at special election; provisos. Vote Nov. 1906. 4§ '05 p.435, 10 Mr
- d **N. J.** Borough may extend water or sewer works by ordinance approved by majority vote of electors for bond issue. 1§ '05 ch.10, 1 Mr
- e **N. D.** Civil townships adjoining cities of 6000 may pave highways & construct sewers & water mains connecting with those of city; contracts; assmts. 13§ '05 ch.177, 2 Mr

2622

Direct employment vs. contract system

- a **Wis.** Cities other than 1st class may perform public work & collect cost thereof. 3§ '05 ch.364, 14 Je

2625

Eminent domain

- a **Mass.** Power & duty of taking land by eminent domain given to city by '04 ch.443 extended to town. 1§ '05 ch.390, 10 My
- b **Wash.** City of 1st-3d class or of equal population to have power of eminent domain; special asmts. 53§ '05 ch.55, 3 Mr

2627

Municipal utilities (general)*See also* 1337, Street railways

- a **Tex.** Mun. public service corp. to file annual report with Sec. of State. 5§ '05 ch.33, 22 Mr
- b **Tex.** County Court may regulate rates charged by certain public utility corporations on action commenced by city council on $\frac{3}{4}$ vote; appeal. 8§ '05 ch.145, 17 Ap

2628

Franchises (general)*See also* 1298, Railways; 1362, Street railways; 1415, Telegraph and telephone; 2635, Electricity and gas

- a **Ari.** "An act to allow franchises for public utilities in mun. corp. to be voted on at special elections." 2§ '05 ch.4, 28 Ja
- b **Cal.** Amdg. C.C. §388, 391-93 rel. to sale of franchise under execution. 4§ '05 ch.347, 20 Mr
- c **Col.** "An act concerning . . . introduction, publication & passage of ordinances granting franchises or licenses for street ry., electric light works, telegraph & telephone systems in incorporated towns & cities of 1st & 2d class." 6§ '05 ch.125, 6 Ap
- d **Kan.** Mayor & council of 2d or 3d class city to control franchise for use of street. 3§ '05 ch.121, 9 F
- e **Mich.** Amdg. '03 ch.232 §37: right of corp. to use mun. streets or lands continued. 1§ '05 ch.112, 11 My
- f **N. J.** Com'n to be appointed to investigate granting & taxation of public franchises; report to Leg. of 1906. 3§ '05 ch.261, 3 Je
- g **N. Y.** Amdg. Greater N. Y. charter '97 ch.378 §74 rel. to duties & powers of bd of estimate & apportionment & bd of aldermen in granting franchises for New York city. 2§ '05 ch.630, 26 My
- h **Pa.** "An act providing for determination by Court of Common Pleas . . . of disputes as to reasonableness . . . of license fees between mun. corp. & telegraph, telephone, or light or power co." 6§ '05 ch.132, 17 Ap
- i **Tenn.** Amdg. '75 ch.142: incorp. of acetylene gas co. 5§ '05 ch.134, 4 Ap
- j **Wash.** County com'rs may grant franchise to construct water, gas or electric conduit in road outside city or town; procedure. 3§ '05 ch.106, 9 Mr
- k **W. Va.** Circuit Courts may compel by mandamus persons & corp. holding franchises to comply with obligations. 2§ '05 ch.49, 25 F

2629

Municipal ownership (general)*See also* 1350, Street railways; 1391, Ferries and fords; 1413, Telegraph and telephone; 2635, Electricity and gas; 2650, Water; 2668, Sewerage; 2721, Toll roads

- a **Ind.** Municipality may sell works for manufacture, supply or distribution of public utility; to be submitted to vote at gen. election on petition of 100 taxpayers. 8§ '05 ch.147, 6 Mr

LOCAL GOVERNMENT

- b **Kan.** Cities of 1st, 2d & 3d classes may issue bonds for public works to supply gas, water, light or heat. 5§ '05 ch.101, 4 Mr
- c **Kan.** City of 1st or 2d class may provide by ordinance for appointment by mayor of bd of com'rs to operate waterworks, fuel, power & lighting plant; duties. 7§ '05 ch.115, 7 Mr
- d **Minn.** City of 2500 may incur bonded debt of \$50,000 for waterworks or electric lighting plant. 3§ '05 ch.28, 3 Mr

2630(5)

Heat

- a **Mo.** Amdg. R.S.'99 §5835: city of 3d class may fix maximum charge for heat supply & pressure to be maintained by steam heating co. 1§ '05 p.78, 11 Ap
- b **Wis.** Amdg. S.'98 §925 subdiv.52 ¶34: common council may provide for heating city buildings & furnishing heat to inhabitants. 1§ '05 ch.209, 16 My

2633

Electricity. Gas

- a **Cal.** Municipality may light street & assess cost on property; procedure. 18§ '05 ch.419, 21 Mr
- b **Id.** Amdg. '99 p.192 §73: powers of cities of 2d class & villages as to gas & electric light contracts & franchises. 2§ '05 p.113, 11 Mr
- c **Neb.** Amdg. Ann.S.'03 §8644, 8725 rel. to light & power contracts & franchises in cities of 2d class. 3§ '05 ch.27, 3 Ap
- d **N. Y.** Com'n to be appointed to regulate price of gas & electric light & supervise lighting corp. 22§ '05 ch.737, 3 Je

2635

Municipal plants

- a **Ill.** City of Chicago may, on adoption of this act by people, sell surplus electricity. 2§ '05 p.110, 18 My
- b **Mass.** Amdg. R.L. ch.34 as to sale & conveyance of plant for manufacture of gas or electricity & mun. operation of same. 7§ '05 ch.410, 17 My
- c **Minn.** City under 10,000 may issue bonds to 7% assessed valuation for mun. waterworks or lighting plant. 7§ '05 ch.334, 19 Ap
- d **Neb.** Amdg. C.S. '03 §1195: cities of 1st class may sell light from mun. plant for private use, on approval of mayor & city council. '05 ch.18, 30 Mr
- e **Neb.** Amdg. Ann. S.'03 §8794-98 as to construction & maintenance of electric light plant by village authorities. 6§ '05 ch.33, 30 Mr
- f **N. C.** Establishing electric light & reservoir com'n for city of Raleigh; bond issue. 14§ '05 private laws ch.93, 15 P
- g **Okl.** Establishment of system of electric lighting by bd of trustees in town or village. 7§ '05 ch.8 art.1, 13 Mr
- h **Tenn.** City of Memphis may build & maintain gas or electric lighting plant & sell light for private use. 11§ '05 ch.172, 4 Ap
- i **Tenn.** City of Lawrenceburg may construct & operate electric light & power plant. 8§ '05 ch.434, 14 Ap

2638

Companies

See also 2035, Petroleum and gas

- a **Cal.** Amdg. C.C. §629-32: electric lighting corp. must serve without discrimination those within 100 ft of line; inspection; discontinuance. 5§ '05 ch.435, 21 Mr
- b **Mo.** Street ry. corp. in city of less than 10,000 may operate electric light & power plant. Adds §1a to '03 p.102. 1§ '05 p.81, 9 Mr

2639 Accidents. Liability

- a **Wis.** Amdg. S.'98 §1778: liability of telegraph, telephone & electric co. for injury to property. 1§ '05 ch.505, 20 Je

2642 Gas and electric meters. Quality of light

- a **N. Y.** Amdg. Greater N. Y. charter '97 ch.378 §522: illuminating gas in city of New York to be tested daily; inspectors; reports. 2§ '05 ch.735, 3 Je
- b **Wis.** Inspection & testing of gas & electricity by municipalities; State Chemist to determine gas standard; exam. of electric lighting plants. 7§ '05 ch.459, 19 Je

2643 Gas and electric rates

- a **Mass.** Maximum price to be charged by Boston Consolidated Gas Co., 90c for 1000 cu. ft. Amdg.'03 ch.417. 3§ '05 ch.421, 19 My
- b **Mass.** Bd of Gas & Electric Light Com'rs & 2 appointees of Gov. to investigate subject of sliding scale for gas rates based on rate of dividends to stockholders; report to Leg. of 1906. '05 r.101, 25 My
- c **N. Y.** Gas co. not to charge city of New York over 75c per 1000 cu. ft; standard quality; pressure; penalty. 4§ '05 ch.736, 3 Je

2645 Placing of poles, wires, pipes etc.

See also 1133, Public safety; 1418, Telegraph and telephone; 2738, Opening street. disturbing pavement

- a **Ind.** Amdg. '67 ch.68 §1: hydraulic co. supplying electric light, heat or power to public corp. may appropriate right of way for poles or conduit. 1§ '05 ch.51, 28 F
- b **Mass.** "An act rel. to wires & electrical appliances in city of Somerville." 10§ '05 ch.278, 10 Ap
- c **Mich.** Electric light & power co. may use highways for transmission of electricity. 1§ '05 ch.264, 16 Je
- d **Mon.** Amdg. C.C. §1000 rel. to placing of electric wires along certain highways. 2§ '05 ch.55, 2 Mr
- e **Wis.** Amdg. S.'98 §1778, '01 ch.319 §2, 5: construction of lines for use of telegraph, telephone or transmission of power, heat or electric light for public purposes; condemnation proceedings. 3§ '05 ch.304, 5 Je
- f **Wis.** Amdg. S.'98 §925 subdiv.52 ¶31: common council in cities of 1st, 2d & 3d classes may establish districts in which wires may be ordered to be placed underground & poles removed. 1§ '05 ch.326, 9 Je

LOCAL GOVERNMENT

2647 Property. Stocks

- a Pa. Rephrasing '95 ch.230 §1 to make clear that corp. for manufacture or supply of light may hold stock or bonds of similar corp. Supplements '74 ch.32. 2§ '05 ch.39, 24 Mr

2648 Water

See also 797. Public works (state); 1079. Pollution of water; 1180. Control of water

- a Kan. Amdg. '03 ch.122 §166: city of 1st class [under 50,000] may contract for water supply. Rep. §165. 2§ '05 ch.111, 3 Mr
- b Me. Amdg. R.S.'03 ch.128 §4: penalty for injuring property of any town or mun. corp. used for water supply. 1§ '05 ch.93, 21 Mr
- b1 Neb. Water supply in metropolitan cities. Rep. sundry sections of Ann. C.'03. '05 ch.15, 9 Mr
- c N. J. Amdg. '91 ch.22 §65: village may make 10 yr contract with water co. to secure supply. 1§ '05 ch.260, 3 Je
- d N. Y. Com'n to be appointed to investigate sources & disposition of available water supply, also to consider establishment of state system of water supply & system for disposition of sewage; annual report to Leg.; \$40,000. 10§ '05 ch.723, 3 Je
- e Pa. Creating State Water Supply Com'n to regulate water co. & improve methods of distribution & of purifying sources; not to control city supply. 9§ '05 ch.236, 4 My

2649 Eminent domain

- a Kan. "An act providing for appropriation of lands for use of foreign mun. corp. owning water plant & having some part thereof in state of Kan." 7§ '05 ch.156, 8 Mr
- b N. Y. Limitation on acquisition of water rights in Westchester & Putnam counties. Adds §25b to mun. law '92 ch.685. 1§ '05 ch.738, 3 Je
- c N. C. Amdg. '03 ch.159 §16: water co. [now] established under C. ch.49 may condemn land for supply. 1§ '05 ch.544, 6 Mr
- d Pa. Water co. not to take river or stream by eminent domain. 1§ '05 ch.109, 13 Ap
- e S. C. Mun. corp. or water co. may condemn land for waterworks; procedure. 6§ '05 ch.433, 21 F'
- f S. D. City may condemn property for waterworks. 4§ '05 ch.174, 24 Ja
- §2, 3 amended. '05 ch.175, 11 Mr
- g Vt. Town selectmen may procure right to lay pipe through private land for water for school, town hall or watering trough. 1§ '04 ch.75, 9 D'
- h Wash. Amdg. '93 ch.8 §1 as to appropriation of water by city or town for mun. purposes. 1§ '05 ch.159, 11 Mr

2650 Municipal works

- a Col. City of 10,000 on petition of 100 voters & property owners to vote on question of establishment of waterworks; districts; bonds. 14§ '05 ch.142, 25 Mr

- b **Minn.** City owning waterworks may incur bonded debt of \$150,000 to extend & improve system. 6§ '05 ch.19, 2 Mr
- c **Minn.** City of 10,000-20,000 may build or purchase waterworks. 8§ '05 ch.105, 4 Ap
- d **Minn.** Municipality owning & operating waterworks may extend pipes under any road & supply water outside corporate limits. 1§ '05 ch.228, 17 Ap
- e **Minn.** City under 10,000 may issue bonds to 7% assessed property valuation for mun. waterworks or lighting plant. 7§ '05 ch.334, 19 Ap
- f **Mo.** City of 2d, 3d or 4th class under special charter may purchase or erect waterworks; bonds; management; exemption from execution. 23§ '05 p.85, 8 Ap
- g **Mon.** City or town may create special improvement district & levy assmt. for waterworks & mains. 5§ '05 ch.27, 21 F
- i **Neb.** Amdg. Ann. S.'03 §8726 rel. to establishment of waterworks by cities of 2d class & villages, less than 5000: issue of water bonds on $\frac{2}{3}$ [majority] vote cast at special election. 2§ '05 ch.30, 3 Ap
- j **N. J.** Municipality may transfer park land adjoining reservoir for use for waterworks. 2§ '05 ch.143, 13 Ap
- k **N. J.** City may use net profit from water supply to extend works. Supplements '04 ch.53. 1§ '05 ch.210, 28 Ap
- m **N. Y.** Mayor of N. Y. to appoint com'n of 3 to act as bd of water supply; salary \$12,000; to investigate sources; acquisition of land & construction of works. 46§ '05 ch.724, 3 Je
- n **Okl.** Amdg. S.'03 §614: incorporated town may maintain waterworks. 1§ '05 ch.8 art.9, 13 Mr
- p **Pa.** Forestry Com'rs may allow municipality to impound water on state forest reservations & maintain pipe lines through same. 1§ '05 ch.114, 14 Ap
- q **S. D.** City of 1st class may sell or lease waterworks on majority vote of electors. 3§ '05 ch.176, 11 Mr
- r **Tenn.** City authorities of Bristol may acquire or erect & operate system of waterworks. 20§ '05 ch.490, 17 Ap
- 2651 **Storage reservoirs**
- a **N. J.** Amdg. '92 ch.27 §4-5 rel. to issue of bonds to pay for city storage reservoir. 3§ '05 ch.17, 8 Mr
- 2652 **Water tax**
- a **Ill.** Amdg. '99 p.308 §1-4, 6-7: municipality may levy special tax to enlarge waterworks. 7§ '05 p.94, 18 My
- 2653 **Water companies**
- a **Cal.** Amdg. C.C. §549, 551: bd of supervisors may regulate water supply corp.; construction of canal & maintenance of bridges. Rep. §550. 3§ '05 ch.429, 21 Mr
- b **Id.** Amdg. R.S.'87 §2711-12 rel. to corp. supplying water to towns & cities: rates subject to change every 3 yrs [1]; right of way for constructing flumes, aqueducts etc. outside corporate limits. 3§ '05 p.192, 9 Mr

LOCAL GOVERNMENT

- c N. J. Amdg. '76 ch.193 §1: 7 persons may form water co. in municipality *incorporated or otherwise* of 500 [2000]-15,000 population. 1§ '05 ch.229, 11 My
- d N. Y. Amdg. transportation corp. law '90 ch.566 §82 subdiv.2: right of waterworks corp. to lay pipes in adjoining city subject to permission of local authorities. 1§ '05 ch.210, 17 Ap
- e N. D. Amdg. R.C.'99 §2264 as to water contracts made by city council for fire protection; prior appropriation required for 1 yr only if contract for term of yrs. 1§ '05 ch.63, 17 F

2661

Sewerage. Garbage

See also 797. Sewerage plants (state); 1079. Pollution of water; 1192. Drainage; 2707. Street improvement

- a Cal. Amdg. '91 ch.161 §11-12 as to assmt. & collection of tax in sanitary district. 2§ '05 ch.96, 10 Mr
- b Id. Rev. '03 p.26 authorizing municipalities to construct & operate sewerage system & disposal works. 20§ '05 p.334, 24 F
- c Ill. Election of trustees of sanitary district; powers & duties. 4§ '05 p.198, 11 My
- d Ill. Amdg. '85 p.60 §2-3 rel. to power of mun. authorities to condemn property & levy assmt. for drainage works. Adds §4. 3§ '05 p.104, 18 My
- e Mo. City of 300,000 may establish sanitary districts; public drainage. 16§ '05 p.62, 6 Ap
- f Neb. Cities of 2d class under 5000 may exercise right of eminent domain to construct sewer or drain; annual tax levy 1-5 [2] mills to pay sewer bonds at maturity. Amds. C.S.'03 §1738. 3§ '05 ch.28, 29 Mr
- g N. J. Town or township may construct sewers, drains & sewage disposal plant & place same together with waterworks under control of bd of water com'rs. 15§ '05 ch.77, 31 Mr
- h N. J. On petition of 10 freeholders township committee to appoint engineer to estimate cost of sewer; vote of electors before building. Supplements '99 ch.169. 3§ '05 ch.140, 12 Ap
- i S. D. Assmt. of property for payment of city sewer bonds; house connections. Rep. P.C. §1346-51. 8§ '05 ch.153, 10 Mr

2663

Eminent domain

- a N. J. City may purchase or condemn right of way for sewer across private land; railroads excepted. 3§ '05 ch.32, 14 Mr
- b Pa. City may condemn land for sewers; procedure. 4§ '05 ch.94, 10 Ap
- c S. D. City may condemn & purchase property for sewer system. 4§ '05 ch.154, 7 Mr

2663(5)

Garbage

- a Minn. City of 50,000 may erect plant for destruction of refuse. 2§ '05 ch.121, 7 Ap
- b N. Y. Village may provide for removal & disposition of ashes & garbage. Adds subdiv.25 to village law '97 ch.414 §88. 1§ '05 ch.500, 17 My

- c Pa. \$10 fine for throwing rubbish in street or disturbing contents of ash can & garbage pail. 1§ '05 ch.163, 20 Ap

2664 House connections

See also 1106(5), Plumbing

- a N. J. Town council may construct house connections to trunk sewer & pay for those already built at private expense; special assmt. 4§ '05 ch.23, 10 Mr

2667 Joint, trunk and outlet sewers

- a Kan. City of 2d class may construct main trunk sewer. Supplements G.S.'01 ch.19 art.3. 6§ '05 ch.117, 8 Mr
b N. J. Joint meeting of governing bds of towns constructing common trunk sewer to vote fund for maintenance. Supplements '99 ch.36. 2§ '05 ch.146, 14 Ap

2670 Sewage disposal

- a Kan. Amdg. '03 ch.122 §164: city of 1st class may issue bonds for crematory, desiccating or reduction works. 2§ '05 ch.106, 7 Mr

2671 Sewer assessments

- a Mich. Amdg. '95 ch.3 pt 7 §25 rel. to special sewer assmt. 1§ '05 ch.125, 17 My
b Neb. Amdg. Ann.S.'03 §8373 as to assmts. for sewer improvements in cities of 1st class, 5000-25,000. 2§ '05 ch.24, 30 Mr
c N. J. Assmt. for sewer begun in other municipality. Supplements '99 ch.135. 4§ '05 ch.171, 18 Ap
d Pa. Assmt. of cost of sewers in townships of 1st class. 7§ '05 ch.2, 23 F
e Wis. Special assmts. for construction of sewers in cities under special charters; issuance of bonds. 9§ '05 ch.453, 19 Je

2672 Sewer bonds

- a N. J. Seaboard city may incur bonded debt of \$50,000 to extend sewer system. 2§ '05 ch.51, 23 Mr
b S. D. City may issue bonds for sewerage system not in excess of 10% of value of taxable property; vote on question. 5§ '05 ch.155, 5 Mr

2679 Parks. Public grounds

See also 798, State parks

- a Col. City of 1st or 2d class may maintain public park or driveway within 10 m. of city limits; park bd; bonds. 19§ '05 ch.128, 10 Ap
b Fla. Amdg. R.S.'92 §680: city or town council may discontinue any public park. 1§ '05 ch.90
c Ill. Amdg. '99 p.326: park com'n of 3 towns may levy 3 [2] mill tax for current expenses. 1§ '05 p.342, 29 Ap
d Ill. Amdg. '93 p.161, '95 p.285 rel. to levy & collection of additional park tax. 1§ '05 p.335, 18 My; '05 p.336, 18 My
e Ill. Amdg. '73 p.129 §1-4 rel. to improvement of public parks & boulevards; tax; assmt.; sewers. 4§ '05 p.337, 18 My

LOCAL GOVERNMENT

- f **Ill.** Park com'rs may issue \$1,000,000 20 yr 5% bonds to obtain money for maintenance of small parks & pleasure grounds; taxation to discharge. 2§ '05 p.340, 18 My
- g **Ind.** Abandoned county fair ground may be used for public park; acceptance by city council. 6§ '05 ch.60, 1 Mr
- h **Minn.** City under 10,000 may maintain public park not exceeding 50 acres; park bd; exceptions. 5§ '05 ch.335, 19 Ap
- i **Mo.** Establishment & maintenance of public park in city or town under 30,000. 7§ '05 p.265, 18 Ap
- j **Neb.** Rev. '89 ch.23 authorizing cities of 2d class less than 5000 & villages to acquire real estate for parks & public grounds. 6§ '05 ch.35, 2 Mr
- k **N. J.** Cemetery corp. may convey burial ground to municipality for public park. 2§ '05 ch.48, 23 Mr
- m **N. D.** Establishment of city park districts. 8§ '05 ch.143, 6 Mr
- n **Okl.** Establishing bd of park com'rs in cities of 1st class over 10,000; organization & duties. 13§ '05 ch.9 art.4, 11 Mr
- p **R. I.** Designating members of Metropolitan Park Com'n; term 1 yr; to consider advisability of system of public parks for Providence & vicinity; report to Leg. of 1905; \$1000. 2§ '04 ch.1204, 16 N
- q **R. I.** Extending term of Metropolitan Park Com'n appointed in 1904; scope of jurisdiction; \$1000 additional appropriation. 3§ '05 ch.1238, 9 My

2681

Boulevards and driveways

- a **Cal.** "An act to provide for formation of boulevard districts & the construction, maintenance & use of boulevards. . . " 14§ '05 ch.566, 22 Mr
- b **Minn.** Village or city under 10,000 may levy special assmt. for boulevards; payable in 3 instalments; proviso. Rep.'99 ch.49. 6§ '05 ch.330, 19 Ap
- c **N. J.** Where street ry. paves & keeps in repair right of way through part of street, municipality may when paving rest of street construct park way of equal width & levy special assmt for cost. 2§ '05 ch.112, 6 Ap

2684

Debts. Bonds

- a **Ill.** Park Bd may issue 20 yr bonds up to \$2,000,000 & levy direct annual tax to discharge. 2§ '05 p.333, 3 Mr; '05 p.334, 11 My
- b **Minn.** Amdg.'03 ch.235 §1 rel. to limit of park bond issue by city of 50,000. 1§ '05 ch.91, 31 Mr
- c **N. J.** City under 12,000 bordering on Atlantic ocean may incur bonded debt of \$100,000 to improve beach. 2§ '05 ch.50, 23 Mr

2685

Eminent domain

- a **Minn.** Land condemned for park to be paid for without regard to resulting benefit. 3§ '05 ch.103, 5 Ap

2688

Gifts and bequests

- a **Ga.** Municipality may accept land by gift or in trust for park, pleasure ground or other public purpose, land to be used by 1 race only. 3§ '05 p.117, 23 Ag

- b Mich. Township may acquire land for public park by devise or gift. 5§ '05 ch.157, 1 Je

2689 Ordinances. Regulations

- a N. J. Protection of trees, shrubs & statuary in public parks under control of Park Bd. Supplements '93 ch.285. 4§ '05 ch.108, 6 Ap

2694 Playgrounds. Recreation piers

- a N. J. City of 1st class may expend annually \$5000 on excursions & recreation centers for poor. Supplements '04 ch.69. 3§ '05 ch.106, 6 Ap

2696 Public entertainment

- a Kan. Cities of 1st, 2d & 3d classes may vote \$25 for each 1000 inhabitants for free band concerts; proviso. 1§ '05 ch.102, 9 Mr
b Minn. Village may appropriate \$50 a yr for free musical entertainment. 1§ '05 ch.263, 18 Ap
c N. J. City of 2d class may expend \$2000 for music in public parks during July and Aug. 4§ '05 ch.262, 26 Je
d Wis. Cities of 1st class may provide for public auditoriums & music halls with private cooperation; procedure. 12§ '05 ch.426, 20 Je

2698 Baths, comfort stations and gymnasiums

See also 1115, Life-saving

- a Ga. Surf bathing house proprietor to provide life-savers, life-preservers & lines & danger signals for protection of bathers; removal or misuse of life-preservers & lines. Supplements Pen. C. §509. 7§ '05 p.115, 22 Ag
b Mon. City or town may establish & maintain public bath. 3§ '05 ch.12, 10 F
c N. Y. Amdg. public health law '93 ch.661 §212 rel. to sanitary rules for public bathing houses & safety regulations. 1§ '05 ch.454, 16 My

2700 Roads. Streets

- a Fla. Atty. Gen. to compile road laws. 2§ '05 p.442, 6 Je
b Id. Improvement of roads: formation & bonding of good road districts, on submission to vote of resident freeholders; appointment of good road com'rs; apportionment of taxes within district; appeal. 14§ '05 p.237, 10 Mr
c Id. Amdg. R.S.'87 §946 rel. to method of paying cost of county bridge or road improvement. 2§ '05 p.67, 13 Mr
d Ill. Municipality under 10,000 included in town constructing hard road by special taxation may secure extension through corporate limits under certain conditions. Adds §16½ to '83 p.132. 1§ '05 p.369, 16 My
e Ill. Highway com'rs in county not under township organization may straighten water course in road construction; assmt. of damages. 1§ '05 p.370, 16 My

- f **Ill.** Creating State Highway Com'n to investigate & experiment in road building; \$25,000 annual appropriation. 7§ '05 p.74, 18 My
- g **Ind.** Amdg.'93 ch.160 §1 rel. to petition for construction of stone road at county expense. 1§ '05 ch.100, 4 Mr
- h **Ind.** Gen. highway law. 123§ '05 ch.167, 8 Mr
- i **Kan.** Township bd to be com'rs of roads; taxation; construction districts. 9§ '05 ch.362, 1 Mr
- j **Mich.** Amdg.'03 ch.231 §2 rel. to township road system. 1§ '05 ch.124, 17 My
- k **Mich.** Amdg.'93 ch.149 §1: bd of supervisors to submit question of adoption of county road system *on petition of 10 freeholders* [by $\frac{1}{3}$ vote of members of bd]. 1§ '05 ch.199, 13 Je
- m **Mich.** Amdg. C.L.'97 §4106 as to expenditure of highway tax money in certain townships in Upper Peninsula. 1§ '05 ch.219, 13 Je
- n **Minn.** Town may issue 20 yr 6% bonds for road & bridge improvement. 9§ '05 ch.64, 23 Mr
- p **Minn.** County com'rs may appropriate \$300 to aid town in road or bridge improvement payable on auditor's warrant; bond. Rep.'95 ch.287 §1, 3. 5§ '05 ch.80, 27 Mr
- q **Mo.** Amdg. R.S.'99 §2996; in county of 150,000-400,000 dramshop fund to be used to repair macadamized roads. 1§ '05 p.143, 6 Ap
- r **Neb.** Amdg. Ann. S.'03 §10706, 10711, 10713, 10715, 10724: proceeds of inheritance tax to be used for permanent improvement of county road [covered into state treasury]; county bd to award contracts & direct expenditure; regulations. Rep. §10722. 6§ '05 ch.117, 8 Mr
- s **Neb.** County bd on petition of majority of resident freeholders of any road district, precinct or township to levy 25 mill road improvement tax; county bd to direct work. 4§ '05 ch.128, 30 Mr
- t **Neb.** Cities of 5000-25,000 may levy 2 mill tax for improvement & repair of highways leading to city. 1§ '05 ch.26, 1 Ap
- u **Neb.** Amdg. C.S.'03 §1825: cities of 2d class & villages, less than 5000, may levy additional road tax limited to 2 $\frac{1}{2}$ % on taxable property for improvement of public highways within 5 m. of said city or village; commutation of road tax. 2§ '05 ch.32, 4 Ap
- v **N. J.** Rev.'03 ch.97 providing for permanent improvement of public roads. 19§ '05 ch.58, 27 Mr
- w **N. M.** Construction, maintenance & discontinuance of public highways; road districts & taxes; labor & materials; obstruction or injury. Rep.'01 ch.40. 41§ '05 ch.124, 16 Mr
- x **N. Y.** Amdg. town law '90 ch.569 §15: town of 2-14 sq. m. $\frac{2}{3}$ incorporated may abolish highway com'r; to be entitled to benefit of exemption from taxation under gen. highway law, '85 ch.348 §53. 1§ '05 ch.209, 17 Ap
- y **N. Y.** Amdg. highway law '90 ch.568 §10: repairs on highway or bridge exceeding \$1500 must be authorized at town meeting. 1§ '05 ch.417, 16 My
- yi **N. D.** Amdg. R.C.'99 §1114 rel. to inspection & care of township roads & bridges by supervisors. 2§ '05 ch.176, 9 Mr

- y2 **Okl.** County system of highways to be adopted on majority vote of electors. 23§ '05 ch.11 art.1, 10 Mr
- y3 **Or.** County Court may authorize U. S. to build experimental highway in its jurisdiction. 1§ '05 ch.64, 10 F
- y4 **Or.** Improvement of county roads; cost assessed on adjacent land; county aid; supervision; contracts. 21§ '05 ch.230, 22 F
- y5 **Pa.** Bd of road supervisors to be elected in townships of 2d class for term of 3 yrs; duties; road taxes & work. 16§ '05 ch.107, 12 Ap
- y6 **Pa.** Amdg. '01 ch.318 §2: county may issue road bonds to $\frac{1}{2}$ [17] of 1% property valuation; excess over $\frac{1}{10}$ of 1% to be approved by grand jury & Court of Quarter Sessions. 1§ '05 ch.138, 17 Ap
- y7 **Pa.** Amdg. '95 ch.251 §1 rel. to construction, repair, improvement & regulation of county roads. 1§- '05 ch.203, 22 Ap
- y8 **S. C.** Ratifying amdt. to Const. 1895 adopted by people Nov. 1904: Leg. may pass local & special laws rel. to construction & working of roads; drainage. 1§ '05 ch.408, 18 F
- z **Tenn.** Amdg. '01 ch.136 §1, 5, 7 rel. to working & laying out of roads in counties under 70,000: msdr. to refuse office of district road com'r; assmt. of damages to landowner; certain counties excepted. 4§ '05 ch.478, 17 Ap
- z1 **Wis.** Amdg. '01 ch.312 §2 rel. to county aid to towns for construction of highways; awarding of contracts; inspection. 1§ '05 ch.210, 16 My
- z2 **Wy.** Amdg. R.S.'99 §1943, 1946, 1948, 1953 rel. to road tax & improvement; traction engines. Rep. R. S.'99 §1944-45, 1949-50, 1954-57. 9§ '05 ch.52, 20 F

2702

State road systems and state aid

- a **Cal.** State road from Gen. Grant National park, Fresno county to Kings River canyon; \$25,000. Rep.'95 ch.96. 4§ '05 ch.598, 22 Mr
- b **Ct.** Amdg. G.S.'02 §2086-88 rel. to public roads: salary of State Highway Com'r \$3000 & \$7500 expenses; improvement of town highways. 3§ '05 ch.232, 13 Jl
- c **Del.** Rep. '03 ch.380 which provided for permanent improvement of public highways; appointment of Newcastle county State Highway Com'r. 14§ '05 ch.139, 30 Mr
- d **Id.** Providing for construction of system of wagon roads & trails in intermountain region to aid in developing mining sections: \$50,000 loan; on completion, roads to be maintained at county expense. 28§ '05 p.206, 8 Mr
- e **Me.** Amdg. R.S.'03 ch.23 §100-2 rel. to state aid to towns making permanent road improvements. Rep. §104. 4§ '05 ch.115, 21 Mr
- f **Me.** Gov. to appoint Com'r of Highways; to compile statistics & advise local authorities. 4§ '05 ch.146, 24 Mr
- g **Md.** Amdg. Const. 1867 art.3 §34: Leg. may apportion to Baltimore city & the several counties \$400,000 annually for construction & maintenance of highways. Rejected Nov. 1905. '04 ch.97, 10 Mr (not in session laws)

LOCAL GOVERNMENT

- h Mich. State aid in road improvement. 17§ '05 ch.146, 1 Je
 - i Mich. Amdg. Const. 1895 art.14 §9: state may aid in improvement of wagon roads. Adopted Ap. 1905. 1§ '05 p.531
 - j Minn. State aid for road improvement. 12§ '05 ch.163, 13 Ap
 - k Minn. Submitting amdt. to Const. 1857 art.9 §16: Leg. may levy tax of $\frac{1}{4}$ [$\frac{1}{2}$] mill for bridge & road fund; omitting clause rel. to appointment of State Highway Com'n. Vote Nov. 1906. 3§ '05 ch.212, 17 Ap
 - m N. H. "An act to provide for state aid & for expenditures of other public moneys in the permanent improvement of main highways throughout the state." 13§ '05 ch.35, 24 F
 - n N. Y. Amdg. Const. 1894 art.7 by adding §12: Leg. may contract debts for improvement of highways, limited to \$50,000,000; counties to pay not more than 35%, or towns, 15% of cost of highway. Adopted Nov. 1905. '03 p.1454, 2 Ap; '05 p.2138, 13 Ap
 - p Pa. Cumberland road freed from tolls & added to state highway system. 7§ '05 ch.97, 10 Ap
 - q Pa. Rev. '03 ch.141 rel. to state highways. 27§ '05 ch.220, 1 My
 - r R. I. Salary of members of State Bd of Public Roads, \$500. 3§ '05 ch.1227, 21 Ap
 - s R. I. Submitting question of bond issue of \$600,000 for state roads. Approved Nov. 1905. '05 r.1, 21 Ap
 - t Wash. Provision for constructing certain state roads; \$100,000. 8§ '05 ch.7, 26 Ja
 - u Wash. Tax of $\frac{1}{4}$ mill imposed on all property in state for highway fund. 2§ '05 ch.137, 9 Mr
 - v Wash. Provision for construction of certain state roads; state aid, $\frac{2}{3}$, county aid, $\frac{1}{3}$ of cost; on completion, roads to become county charge. Rep. '05 ch.7, §1-6, 8. 12§ '05 ch.174, 13 Mr
 - w Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.8 §10: state may appropriate money or levy tax for construction or improvement of public highways. '05 p.991
- 2703 Road officers. Overseers. Street commissioners
- a Ill. Amdg. '83 p.136 §66: salary of Highway Com'r \$2 [\$1.50] a day. 1§ '05 p.367, 13 My
 - b Minn. Election of highway overseers at annual town meeting. 2§ '05 ch.70, 23 Mr
 - c Mo. Creating office of supervisor of roads & road overseers in county of 120,000-175,000. 5§ '05 p.279, 21 F
 - d Mon. Amdg. '03 ch.44 §51-53 rel. to inspection of highways & bridges; compensation & report of officers. 4§ '05 ch.76, 3 Mr
 - e S. D. Amdg. P.C. §1007: highway overseers to be voted for on separate ballot from township officers. 2§ '05 ch.106, 4 Mr
 - f Vt. Amdg. '02 ch.63: if voters of incorporated village are ineligible to vote for road com'rs of town separate ballots must be used. 2§ '04 ch.85, 10 D

2704

Road districts

- a **Mich.** Township system of roads except in Upper Peninsula; not applicable to county under county road system or special act; proviso. 14§ '05 ch.69, 19 Ap
- b **Mo.** Public road districts; benefit assmts.; com'rs; poll tax. 15§ '05 p.282, 14 Ap
- c **Mo.** Formation of new road districts; overseers; poll tax; road work. Adds R.S.'99 ch.151 art.13 §9696aa-vv. 21§ '05 p.273, 15 Ap

2706

Road machinery and material

- a **Fla.** Amdg. '99 ch.108 §6 as to purchase of road materials by county com'rs. 2§ '05 ch.68, 29 My
- b **Fla.** Amdg. '95 ch.17 §19: road overseer may take shell, marl or other material for road purposes; appraisal. 2§ '05 ch.69, 1 Je
- c **N. D.** Amdg. R.C.'99 §2673: purchase or sale of road machinery exceeding \$100 to be submitted to vote at annual township meeting. 2§ '05 ch.181, 13 Mr

2707

Street improvement

See also 2569, Special assessments

- a **Minn.** City of 50,000 may incur bonded debt of \$10,000 to improve highway leading out of same. 2§ '05 ch.58, 23 Mr
- b **N. M.** City or town may construct street crossing & assess cost on property benefited. 8§ '05 ch.6, 10 F
- c **Pa.** On petition of $\frac{1}{4}$ abutting owners borough may require street improvement & levy special assmt. 6§ '05 ch.168, 20 Ap
- d **Pa.** Borough may require grading, paving, curbing or repair of streets & on failure of owner to comply may do work charging 10% penalty. 2§ '05 ch.172, 20 Ap
- e **Vt.** Amdg. S. §19: mun. officers given same power to repair highways as. towns & town officers. 1§ '04 ch.1, 8 D

2708 Grading

- a **Ct.** Action for damages to adjoining owner caused by change of grade of highway by municipality, to be brought in 6 yrs. 1§ '05 ch.49, 12 My
- b **N. J.** Amdg. R.S.'74 p.718 §70, 72-75 rel. to recovery of damages for injury due to alteration of grade of road. 5§ '05 ch.226, 8 My
- c **N. D.** Regulating grades of highways in certain cases. 1§ '05 ch.118, 24 F

2709 Paving. Macadamizing

- a **N. J.** Assmt. for paving; levy; collection. 7§ '05 ch.170, 17 Ap
- b **Pa.** Notice of borough ordinance requiring paving or curbing to be posted along line of improvement for 60 days to give opportunity to appeal to test legality. Supplements '89 ch.44. 1§ '05 ch.123, 14 Ap

2710 Street railways

- a **Mo.** Street railroad to pave crossings where right of way adjoins street ordered improved. 2§ '05 p.100, 6 Mr
- b **Mo.** Amdg. R.S.'99 §5523 rel. to paving, macadamizing or repair of street by street ry. 1§ '05 p.75, 6 Ap

LOCAL GOVERNMENT

2711 Location. Opening. Altering. Vacating

- a Ct. Amdg. G.S.'02 §2050 rel. to procedure in laying out new streets & highways. 3§ '05 ch.254, 19 Jl
- b Ill. Amdg. '83 p.136 §59 rel. to appeal from decision of com'rs on petition to open or alter road. 1§ '05 p. 369, 16 My
- c Ind. Highway on abandoned railroad right of way to be maintained as free gravel state road; proviso. 1§ '05 ch.87, 4 Mr
- d Me. Amdg. R.S.'03 ch.23 §11 rel. to relocation of doubtful boundaries of highways. 1§ '05 ch.79, 17 Mr
- e Mich. Amdg. '81 ch.243 pt 1 §1 rel. to width of public highway. 1§ '05 ch.59, 13 Ap
- f Mich. Amdg. '81 ch.243 pt 1 §8 rel. to appeal from determination of township bd as to highway. 1§ '05 ch.195, 13 Je
- g Minn. Amdg. G.S.'94 §1832 rel. to laying out of public cartway; dedication; damages. 1§ '05 ch.66, 23 Mr
- h Minn. Amdg. G.S.'94 §1883 rel. to appointment of com'n to lay out, alter or vacate judicial highway. 1§ '05 ch.245, 18 Ap
- i Mo. Amdg. R.S.'99 §5649 rel. to service of notice on owner of property in condemnation proceedings in opening or widening street. 1§ '05 p.74, 6 Ap
- j Mo. Amdg. R.S.'99 §9442 as to assmt. of damage to property in draining or building road. 1§ '05 p.281, 14 Ap
- k Neb. Amdg. Ann. S.'03 §4441: county boards *may acquire title to lands* for laying out, altering or discontinuing roads. 2§ '05 ch.44, 30 Mr
- m Neb. Amdg. Ann.S'03 §6009-14, 6018-19 rel. to laying out road to connect with public wagon bridge constructed across stream forming county boundary; appointment of road committee. 9§ '05 ch.123, 1 Ap
- n Neb. Amdg. Ann. S'03 §6042: elector residing within 5 m. of road may appeal to District Court of county from decision of county bd rel. to establishment, vacation or alteration of road; costs. 2§ '05 ch.124, 4 Ap
- p N. J. Amdg. '97 ch.161 §33 as to power of borough council to open roads. 1§ '05 ch.52, 23 Mr
- q N. J. "An act to provide for extension & maintenance of public roads." Rep.'97 ch.129. 3§ '05 ch.63, 28 Mr
- r N. J. County may widen highway between 2 or more municipalities. 4§ '05 ch.119, 6 Ap
- s N. J. On adoption of act township may secure land for streets either by purchase or condemnation. 5§ '05 ch.182, 20 Ap
- t Or. County Courts & bds of county com'rs may appropriate land for roads & prescribe procedure for taking same. 5§ '05 ch.29, 6 F
- u Or. Amdg. Ann. C.& S. §4820: County Court may vacate road not used for vehicles for 5 yrs. 1§ '05 ch.224, 22 F
- v Pa. Amdg.'99 ch.115 §1 rel. to notice to supervisors or com'rs of roads of petition for construction of new road. 1§ '05 ch.51, 29 Mr
- w Pa. Appeals from report of viewers on opening, extending or repairing road. Supplements '91 ch.59. 5§ '05 ch.141, 18 Ap

- x S. D. Public highways across relicted lands not abandoned by apportionment of land. 1§ '05 ch.119, 8 Mr
 - y Wis. Amdg. S.'98 §1283 as to laying out & discontinuance of highways. 1§ '05 ch.189, 12 My
 - z Wy. Amdg. R.S.'99 §1058 subdiv.7: county com'rs to have power of eminent domain to construct roads. 1§ '05 ch.54, 20 F
- 2712 Streets
- a N. Y. Amdg. C.C.P. §1024 as to appointment of com'r of estimate & appraisement in condemnation or street opening or referee in 1st or 2d judicial districts. 1§ '05 ch.435, 16 My
 - b Pa. Municipalities may vacate streets that have remained unopened 30 yrs. 3§ '05 ch.30, 21 Mr
 - c Pa. "An act to provide for... closing of alleys, lanes or passageways that are, or may become, public nuisances; & to compensate... owners or others... damaged & assess benefits..." 1§ '05 ch.136, 17 Ap
 - d S. C. Amdg. C.C. §1396 rel. to power of town to purchase land for street. 1§ '05 ch.490, 4 Mr

2713

Road taxes and work

See also 2569, Special assessments

- a Cal. Amdg.'89 ch.247 §4: levied but uncollected road tax to belong to city or town annexing property; county to collect & account. 1§ '05 ch.411, 20 Mr
- b Ill. Amdg.'87 p.266 §64 rel. to inclusion in tax levy of damages & benefits on account of road work. 1§ '05 p.368, 13 My
- c Kan. County treasurer to pay township road tax to 3d class city constituting separate road district. 2§ '05 ch.127, 22 F
- d Minn. Assmt. & collection of road tax in county of 150,000. Rep. '01 ch.256. 4§ '05 ch.151, 12 Ap
- e Minn. Amdg. G.S.'94 §1783-85 rel. to assmt. of road tax. 3§ '05 ch.324, 19 Ap
- f Neb. Amdg. Ann. S.'03 §4579: town tax levy for road purposes limited to 10 [2] mills in counties under township organization. 3§ '05 ch.52, 9 Mr; '05 ch.53, 3 Ap
- g Neb. Amdg. C.S.'03 §5327, 5329, 5331-32 rel. to road tax in counties not under township organization to be paid in cash [$\frac{1}{2}$ in labor]; $\frac{1}{2}$ to be divided among com'r districts and $\frac{1}{2}$ to be expended in road district; exception; pay for labor on road. 5§ '05 ch.125, 1 Ap
- h N. Y. Amdg. highway law '90 ch.568 §51: town having adopted "money system" of taxation for road work can not change for 4 yrs. 1§ '05 ch.108, 30 Mr
- i N. D. Amdg. R.C.'99 §1081 rel. to levy & expenditure of [annual] road tax in counties of 2000. Rep. §1084. 3§ '05 ch.160, 11 Mr
- j Pa. State forest reserves subject to charge of 3c an acre for schools & 2c for roads. 2§ '05 ch.81, 5 Ap
- k S. C. "An act to provide age & time in which road duty shall be performed in certain counties... & to fix the amount of commutation tax in lieu thereof." 4§ '05 ch.440, 22 F

LOCAL GOVERNMENT

- m** S. C. Ratifying amdt. to Const. 1895 art.3 §34 subdiv 2, 9 adopted by people Nov. 1904: Leg. may pass local or special law to regulate highway work or to provide age for road duty. 1§ '05 ch.482, 9 Mr
- n** S. D. Amdg. P.C. §1659: road taxes on railroad may be worked out in place where property assessed is located. 2§ '05 ch.50, 7 Mr
- p** Tenn. Rep.'03 ch.365 §2, 3 as to rate of taxes allowed for road improvement in cities of over 100,000. 1§ '05 ch.321, 12 Ap
- 2714 Poll tax and road work**
- a** Wash. City of 3d or 4th class may levy annual street poll tax. 1§ '05 ch.75, 6 Mr
- b** Wash. Verbally amdg.'03 ch.119 §1 rel. to levy of road poll tax. 1§ '05 ch.156, 11 Mr
- 2715 Roads on boundaries. Joint roads**
- a** Ind. County com'rs may improve 3 m. road on county line where it forms part of hard road; apportionment of expense; special tax. 7§ '05 ch.164, 7 Mr
- b** Mich. Rev.'89 ch.62 providing for building & repairing of roads & bridges situated in more than 1 township or municipality on failure of either party to contribute. 7§ '05 ch.306, 17 Je
- 2716 Sidewalks**
- a** Ill. Rev.'75 p.63 rel. to special assmt. for construction of sidewalk. Adds §7-8. 8§ '05 p.89, 18 My
- b** Mich. Amdg. '99 ch.76 §1: driving animals on sidewalk or side path unlawful. 1§ '05 ch.228, 16 Je
- c** Mo. Amdg. R.S.'99 §6262: certified bill of specially chartered city for sidewalk improvement prima facie evidence of amount of lien on property benefited. 1§ '05 p.84, 8 Ap
- d** Neb. Amdg. C.S.'03 §1794 as to laying of brick, stone or concrete, sidewalks in cities of 2d class; villages, less than 5000. 2§ '05 ch.29, 30 Mr
- e** N. Y. Amdg. village law '97 ch.414 §161: bd of village trustees may prescribe manner of doing work & materials in sidewalk construction or repair. 1§ '05 ch.98, 24 Mr
- f** N. D. Construction & repair of village sidewalks; assmts. 3§ '05 ch.184, 1 Mr
- g** Pa. "An act to provide for construction of sidewalks along turnpike roads in townships of 1st class, where said roads pass through towns or villages." 4§ '05 ch.195, 22 Ap
- h** Wash. Sidewalk maintenance & repair in cities of 1st 4 classes & chartered city or town of equal population. 2§ '05 ch.37, 24 F
- i** Wis. Construction & repair of sidewalks in villages. 4§ '05 ch.115, 22 Ap
- j** Wis. Amdg. S.'98 §925 subdiv.205 rel. to laying & repairing of sidewalks in cities by bd of public works when owner of abutting land neglects to do so. 1§ '05 ch.159, 3 My

2717 Repair

- a Wis. Cities of 4th class not having special charters to repair dangerous sidewalks after notice & charge expense to abutting property. 1§ '05 ch.277, 1 Je

2718 Bicycles and bicycle paths

See also 1245, Bicycles (baggage); 1775, Bicycles (insurance)

- a N. M. Prohibiting riding of bicycle on sidewalk of unincorporated town. 2§ '05 ch.86, 15 Mr
b N. Y. Bd of sidepath com'rs may appoint special police officers for paths. Adds §13 to '99 ch.152. 1§ '05 ch.605, 24 My

2719 Private roads

- a Md. Landowner to have right of way over adjoining land to church, market town etc. & may obtain private road by application to county com'rs. C. art.25 §100-21. Unconst. Takes private property for private use. Arnsperger v. Crawford 61 A. 413 (1905).
b Mo. Amdg. R.S.'99 §10357 rel. to width of private road. 1§ '05 p.280, 31 Mr
c Wy. Msdr. to neglect to close gate or replace bar in fence crossing private road. 1§ '05 ch.28, 15 F

2720 Toll roads

- a Cal. Amdg. C.C. §513-14, 517-18, 522 rel. to amount & penalty for unreasonable delay in toll taking by wagon road corp.; mortgage of property. 5§ '05 ch.426, 21 Mr
b Nev. Amdg.'65 ch.78 §2, 8: toll road franchise may be granted for 20 [10] yrs; county may purchase at end of 10 [5] yrs, rates to remain unchanged 10 [5] yrs. 2§ '05 ch.149, 24 Mr
c Tenn. Relocation of tollgates by turnpike co. 3§ '05 ch.384, 14 Ap

2721 Public purchase

- a N. J. Com'n of 5 to be appointed by Gov. to investigate turnpikes with view to converting them into free public roads; report to Gov. by Nov. 1905. 3§ '05 p.564, 14 Mr
b N. J. County may purchase stone toll road over 1 m. & maintain as public road; state to pay $\frac{1}{3}$. 5§ '05 ch.173, 18 Ap
c N. J. County may issue 30 yr 4% bonds for road taken from extinct plank road co. Supplements '04 ch.138. 1§ '05 ch.184, 20 Ap
d Pa. Turnpike secured as free road to be repaired by authorities in charge. 2§ '05 ch.176, 20 Ap

2722 Miscellaneous

2723 Automobiles and motorcycles

- a Cal. Msdr. to use bicycle, automobile or other vehicle without owner's consent. Adds Pen. C. §499b. 1§ '05 ch.190, 18 Mr
b Cal. Franchise for construction of road for use of horseless vehicles may be granted by county, city or town for 50 yrs. Adds C.C. §524. '05 ch.427, 21 Mr
c Cal. "An act to regulate the operation of motor vehicles on public highways." 0§ '05 ch.612, 22 Mr

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- d Ct. Motor vehicles: numbering; use; speed. Rep. '03 ch.107, 108.
15§ '05 ch.230, 13 JI
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- e Del. Registration & use of motor vehicles. 15§ '05 ch.124, 6 Ap
- f Fla. Regulating use of motor vehicles. 20§ '05 ch.66, 11 My
- g Fla. "An act for the safeguarding of persons from injury during automobile racing." 6§ '05 ch.67, 1 Je
- h Ind. "An act to regulate speed, operation & registration of . . . motor vehicles on public highways . . . " 14§ '05 ch.123, 6 Mr
- i Me. Registration of automobiles & licensing of operators. Adds §17-22 to R.S.'03 ch.24. 6§ '05 ch.147, 24 Mr
- j Me. Town of Castine may close certain roads to motor vehicles & provide penalty within certain limits. 1§ '05 private laws, ch.326, 21 Mr
- k Mass. Registration of automobiles & motorcycles & licensing of operators. Amds. '03 ch.473 §1, 2, 4, 9 & rep. §6. 7§ '05 ch.311, 20 Ap
- m Mass. "An act rel. to speed at which automobiles & motorcycles may be operated on public ways." Rep. '03 ch.473 §14. 2§ '05 ch.366, 4 My
- n Mich. Motor vehicles. 27§ '05 ch.196, 13 Je
- p Mon. Speed of automobile or motor vehicle on highway. 6§ '05 ch.101, 7 Mr
- q Neb. "An act requiring registration of motor vehicles & regulating their use . . . on highways . . . " 12§ '05 ch.129, 3 Ap
- r N. H. Motor vehicles to be registered & operators licensed; non-residents; safety devices & speed; permits for speed trials; fees. 13§ '05 ch.86, 10 Mr
- s N. J. Toll rates for motor vehicles. 1§ '05 ch.121, 7 Ap
- t N. J. Amdg. '03 ch.55 regulating registration & licensing of motor vehicles, safety appliances & speed. 9§ '05 ch.250, 26 My
- u N. C. Amdg. C. §707 subdiv. 15: county com'rs may regulate speed of motor vehicles in county; exceptions. 1§ '05 ch.331, 28 F
- v N. D. Operation of automobiles on highways. 6§ '05 ch.49, 23 F
- w Or. "An act to regulate use of automobiles on county roads within state." 14§ '05 ch.136, 21 F
- x Pa. Speed limit for motor vehicles; tags, lights, brakes & signals; license of operator; procedure to recover penalties. 14§ '05 ch.159, 19 Ap
- y S. C. "An act to regulate running of motor vehicles on public highways . . . " 8§ '05 ch.493, 7 Mr
- z S. D. Motor vehicles to be registered; regulations for use; speed. 14§ '05 ch.137, 24 F
- z1 Tenn. Registration & use of automobiles; damages. 6§ '05 ch.173, 4 Ap
- z2 Vt. "An act to provide for registering, numbering & regulating speed of . . . motor vehicles & for licensing operators . . . " 14§ '04 ch.86, 10 D

- 23 Wash. Regulating use of automobiles & motor vehicles. 13§
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- 24 Wis. Regulating use of motor vehicles on public highways. 11§
'05 ch.305, 5 Je
- 2727 Cleaning. Watering. Oiling
- a Ct. Opening of highway blocked with snow. 1§ '05 ch.245, 19 JI
- b Ill. Amdg. '95 p.271 §14: if authorized by vote of park district, park com'rs may sprinkle streets & maintain parkways. 1§
'05 p.341, 13 My
- c N. H. Amdg. P.S. ch.50 §10 ¶14: city council may establish sprinkling districts. 1§
'05 ch.10, 8 F
- d N. Y. Amdg. highway law '90 ch.568 §4, 21, 33 rel. to appointment of overseers in towns under money system & removal of snow from highways. 3§
'05 ch.672, 1 Je
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- 2731 Encroachments
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- 2733 Guide boards
- a Cal. Appropriating \$5000 for erecting guideposts in deserts; felony to injure post. 4§
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- b Vt. Penalty for obstruction or injury to highways. 5§
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- c Wis. Amdg.'03 ch.52 §1 prohibiting camping on highway [for 12 hrs or more] after notice to remove. 1§
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- a Cal. Amdg. P.C. §4080 rel. to planting, cultivation & care of shade trees on public highway. 1§ '05 ch. 118, 18 Mr
- b Ct. City of Hartford may impose on a city dep't or bd supervision of the planting & maintenance of trees in highways. 1§ '05 special acts ch. 104, 12 Ap
- c Ct. Town selectmen to cut trees & bushes adjoining highway. Rep. G.S. '02 §2029. 3§ '05 ch. 277, 19 J1
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- g Okl. Abutting property owners in cities of 1st class, towns & villages to hold title to trees, shrubbery etc. growing within boundary line of streets; action for damages to trees. 1§ '05 ch. 8 art. 6, 2 Mr
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- b N. Y. Amdg. highway law '90 ch. 568 §53a: owner to cut & remove brush from highway adjoining property; enforcement where highway is town boundary line. 1§ '05 ch. 293, 22 Ap
- c N. D. Road overseer to destroy weeds on graded or cultivated highway. 4§ '05 ch. 117, 9 Mr

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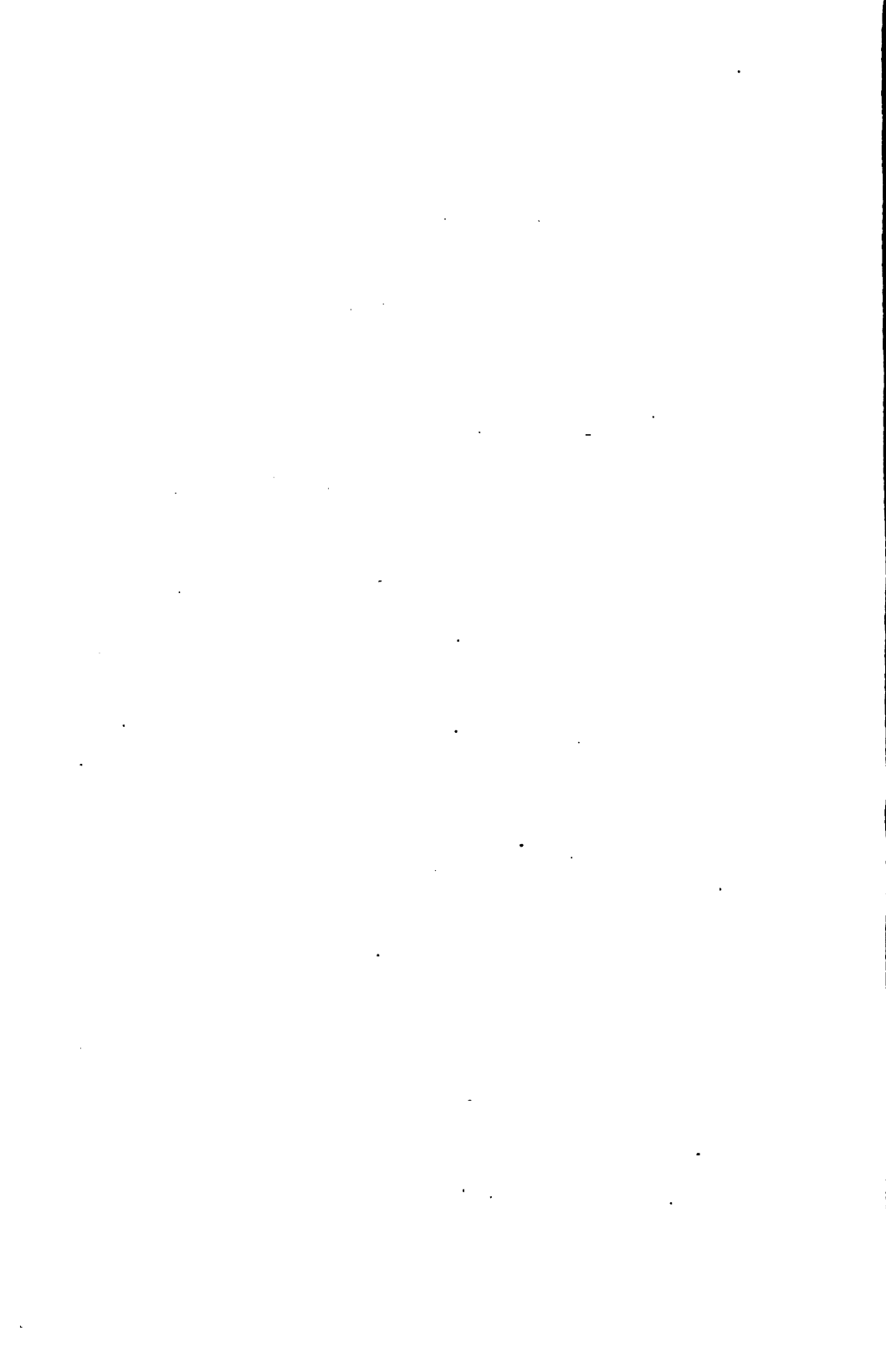
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New York State Library

Bulletin 105 LEGISLATION 29

REVIEW OF LEGISLATION 1905

October 1, 1904 to October 1, 1905

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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1906

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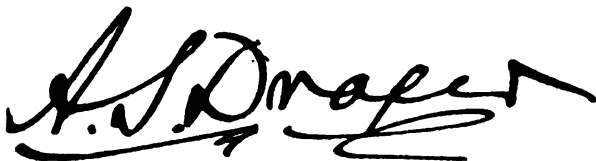
This Review contains contributions from specialists in various parts of the country reviewing governors' recommendations and the laws enacted pertaining to each important subject.

Very respectfully

EDWIN H. ANDERSON

Director

Approved for publication May 15, 1906

A large, stylized handwritten signature in dark ink, appearing to read 'A. S. Draper'. The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Commissioner of Education



New York State Education Department

New York State Library

Bulletin 105

LEGISLATION 29

REVIEW OF LEGISLATION 1905

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EDITED BY

Robert H. Whitten, *Sociology Librarian*



New York State Education Department
New York State Library
REVIEW OF LEGISLATION 1905 LEGISLATION BULLETIN 29a

Property	Ernst Freund
Liens and Mortgages	Louis Boisot
Contracts and Torts	John B. Sanborn
The Family	Amasa M. Eaton

PROPERTY¹

ERNST FREUND J.U.D., PROFESSOR OF LAW, UNIVERSITY OF CHICAGO

While the year 1905, as an odd-numbered year with numerous legislative bodies in session, has produced a considerable amount of property legislation, most of it is piecemeal and disconnected, growing out of special needs or intended to remedy particular defects that make themselves felt in the course of practice, without representing large and definite policies. Perhaps the only movement of far-reaching import is that toward the adoption of the Torrens system of registering land titles; but it is also possible to notice certain tendencies in other phases of the law of property, so in the direction of increasing the facility of transfers and the security of titles, perfecting the course of descent and distribution, and enlarging the powers connected with the administration of estates of decedents and of persons under disability.

It will be most convenient to single out under different heads of legislation such statutes as have introduced notable changes or innovations.

Tenure and titles. Wisconsin ('05 ch.511) which belongs to the group of states which modify the rule against perpetuities upon the model of the Revised Statutes of New York, adopts the exception from this rule in favor of charitable uses, which New York introduced in consequence of the Tilden will. The statute appears to have been induced by the decision in *Danforth v. Oshkosh*, 119 Wis. 262.

¹See also *Governors Messages and Index of Legislation*, 377.

Indiana ('05 ch.130) subjects real estate held by aliens in excess of 320 acres to liability to escheat; but this is really a removal of an existing disability with reference to holdings of less than that amount.

Eminent domain. A number of states (Indiana, Maine, Minnesota, New Mexico, Oregon, Washington, Wisconsin) enact provisions on this subject. They are conspicuous for the absence of any provision for hearing on the question of the necessity of the taking, which while not constitutionally required, should be provided for.

Washington ('05 ch.65) allows the exercise of the power for any public use, the public character of the use being a judicial question. So undefined a grant of power is very unusual.

Dedication. The dedication of streets etc., for public use by the filing of plats on which they are indicated is very commonly provided for by statute. Idaho ('05 p.70), Missouri ('05 p.73), Nevada ('05 ch.126), Oregon ('05 ch.146) and Wisconsin ('05 ch.225) have provisions on this subject, which require approval of plats by the municipal authorities, such approval being conditioned in Missouri upon previous reduction of the streets to the ordinance grade, in Oregon upon conformity to adjoining plats. Here is a field of municipal law capable of considerable development, for beyond insuring a monotonous regularity of plats little has been done in the past in the direction of intelligent control of systems of streets and public places with a view to beauty and to convenience of connections.

Intangible property. California ('05 ch.276), Connecticut ('05 ch.130), Michigan ('05 ch.268), Minnesota ('05 ch.40) and Wisconsin ('05 ch.281) are added to the list of states that afford protection against the unauthorized performance (California also against the unauthorized sale of copies) of dramatic or musical compositions. All these acts apply only to performances for profit, and all except Michigan confine the protection of musical compositions to operas.¹

Landlord and tenant. Of the 12 acts dealing with this subject (relating mostly to modes of termination and notice to quit) the only one of general interest is that of North Carolina ('05 ch.297) which makes it a misdemeanor for the tenant wilfully to abandon a lease after procuring advances from the landlord, and for the landlord wilfully to fail to furnish advances after having agreed to make them. This statute belongs to the "agrarian" legislation of the South. An act of Alabama belonging to the same general category has been declared unconstitutional (*Toney v. State* 37 S. 332),

¹For observations on this legislation see *Review of Legislation*, 1904.

because it also undertook to make the entering into a new contract of employment unlawful except under conditions deemed by the court too onerous.

Security of titles and facility of transfers. These objects are served by the following statutes: a statute of California ('05 ch.443) requiring a person in whom a title is vested, and who subsequently changes his name, to set forth in conveying the property the name under which the title was acquired; a statute of New York ('05 ch.449) providing that an instrument postponing or subordinating a mortgage lien must be recorded as a conveyance; another statute of New York ('05 ch.662 amending §1538 Code Civil Procedure), under which it is sufficient in an action for partition, if a future interest is limited upon a contingency to persons who shall constitute a class, to make parties only those who would have been entitled to an interest if the contingent event had happened immediately before the commencement of the action; another statute of New York ('05 ch.450) under which a deed which has been recorded for 30 years shall be deemed duly acknowledged, with a saving for vested rights of bona fide purchasers; an act of North Dakota ('05 ch.125) allowing a discharged bankrupt to procure the cancellation of judgment liens against his property; an act of Pennsylvania ('05 ch.145) to enable persons in possession of land to proceed against persons known or unknown claiming or having an apparent interest in the property, but not having been in possession for 21 years, requiring them to bring ejectment within six months, or show **cause why not, or be foreclosed**—a species of legislation unknown in principle to either common law or equity (except in the case of fines with proclamations) but increasingly favored by modern statutes, and forming a principal feature of the Torrens acts; an act of Texas ('05 ch.128) introducing the system of recording notices of *lis pendens*, in the absence of which record bona fide purchasers from parties to the suit are to be protected against the effect of a subsequent decree; an act of Wisconsin ('05 ch.234) allowing proceedings to determine the boundaries of riparian rights, similar to actions for partition, while equity has ordinarily no jurisdiction for the settlement of disputed boundaries.

Torrens system. Little progress was made in 1905. Massachusetts ('05 ch.249) makes the system applicable to easements; an elaborate new act of Minnesota ('05 ch.305) seems, so far as a necessarily cursory examination shows, merely to remodel and rearrange the act of 1901; Georgia ('05 p.1256) extends the time of the com-

mission created for the investigation of the system, to report in 1906; and the Governor of Wisconsin in his message recommends an inquiry into the merits of the system.

Absentees. Pennsylvania ('05 ch.112) supplements the act of 1885 allowing administration on the estate of persons presumed to be dead on account of long absence, by providing for probate of wills under similar circumstances; the act of 1885 has been sustained by the United States Supreme Court in *Cunnius v. Reading School District* 198 U. S. 458.

Massachusetts ('05 ch.326) provides for the transfer of trust estates to the parties entitled in remainder, to be held by them as trustees, where the life beneficiary has disappeared and has not been heard from for 14 years.

Wills. Wisconsin ('05 ch.128) by making void all testamentary gifts to the husband or wife of a subscribing witness, as well as to the witness himself, disposes of a difficulty with which students of the law of wills are familiar, and which in many states still forms a trap to the unwary (*see Fisher v. Spence* 150 Ill. 253). England and Massachusetts have similar statutes.

California ('05 ch.448) introduces two valuable provisions: the one recognizing the validity of wills of personalty, if valid according to the law of testator's domicile; this is in accordance with the general principles of private international law; the other, saving testamentary powers of sale, where an afterborn or omitted child takes his intestate share; without such a provision the child takes his share in the corpus of the estate, defeating to that extent the power of sale (*Smith v. Robertson* 89 N. Y. 555).

Succession and marital rights. An act amending the statute of distribution of personal estates of Michigan ('05 ch.331) contains some noteworthy provisions: if all descendants are of equal degree they take per capita, and not per stirpes; this is contrary to the general rule; and if there are no children, the widow takes \$3000 absolutely as against any of the next of kin. New Hampshire ('05 ch.14) gives her in like manner \$1500. The statute of Michigan is not perfectly clear as to whether remoter descendants than children of brothers and sisters of the decedent concur with the decedent's surviving spouse; New York ('05 ch.539) excludes representatives among collaterals after brothers' and sisters' descendants, following in this respect (with a slight alteration) the English statute of 1670 and settling the difficulty that arose in *re Davenport* 172 N. Y. 454.

The favor shown to immediate next of kin appears in a statute of Maine ('05 ch.74) which provides that money received for the insurance on the life of a married woman shall be distributable among her widower and issue, and not constitute assets for the payment of debts.

Homestead rights are further secured in Kansas ('05 ch.154) by the provision that contracts for the sale of the homestead property shall be unenforceable against the party signing unless signed by both husband and wife.

New Hampshire ('05 ch.4) and New Jersey ('05 ch.114, 115) establish rights of succession between a bastard and the mother's kin; and New Jersey ('05 ch. 247) admits illegitimate children whose parents have subsequently intermarried to the succession of the personalty of the surviving parent, but only if there are no legitimate children of the marriage.

A provision introduced by the laws of Michigan ('05 ch.327) to the effect that a surviving spouse shall be deprived of rights of dower and succession, if living at the time of the death of the lawful spouse in a bigamous relation pursuant to a purported marriage, is equally striking in its novelty and in its justice, though it must be of rare application. It is, however, difficult to see how the clause of the act making its operation retroactive can be sustained as a constitutional exercise of legislative power.

The act of Tennessee ('05 ch.11) providing that one who procures the death of another shall not inherit any of the latter's property or take by deed or will taking effect at the latter's death, is, as far as devolution by law is concerned, in affirmance of the decision in *Box v. Lanier* 112 Tenn. 393 (1903), and applies the same principle to benefits that would otherwise have accrued by the act of the deceased. The point has been discussed considerably in other states (*see e. g. Riggs v. Palmer* 115 N. Y. 506).

Administration of estates of decedents and of persons under disabilities. Year after year we find new powers created in this department of law in which American statutes have added so much to the principles of probate and equity jurisprudence. On the one hand, extended equitable jurisdiction is conferred upon probate courts or county courts acting as such, as in Wisconsin ('05 ch.163) where they are given power to construe wills, in Illinois ('05 p.186) where they are given control and supervision over testamentary trusts¹ and in Kansas ('05 ch.191) which confines such jurisdiction

¹ On account of a formal defect in its passage, this act has been declared void. *Lynch v. Hutchinson* 76 N. E. 370.

to trusts in favor of minors. The Governor of Washington recommends to the Legislature the consideration of a general enlargement of probate jurisdiction in this direction.

On the other hand, new specific powers not heretofore existing are given as follows: Executors, administrators or guardians may be allowed by the court to specifically perform contracts made by a person since deceased for the conveyance of real estate (N. D. '05 ch.116; Or. '05 ch.19) or for the transfer of personal property (Cal. '05 ch.80); or to mortgage real estate (Ct. '05 ch.169); South Dakota ('05 ch.91) provides for the mortgaging of the real estate of insane parties; New Hampshire ('05 ch.13) allows leases by guardians, and the terms for which leases may be made are extended in California ('05 ch.154) and Illinois ('05 p.287). In New Jersey ('05 ch.158) the Orphans' Court may authorize the guardian of an infant upon summary hearing to agree to actual partition without sale, and to execute conveyances upon receiving the conveyance of the infant's share.

The sale of real estate by order of the probate court is facilitated by the following provisions: New York ('05 ch.430) allows the widow's dower right to be included in the sale; Oregon ('05 ch. 130) allows the court to order the sale of real estate before the sale of personalty; South Dakota ('05 ch.83) provides for orders authorizing the sale of decedent's real estate whenever it is for the advantage and best interest of the estate, not merely for payment of debts; and Minnesota ('05 ch.339) has a similar provision with regard to property held in trust generally, which must probably be construed to have prospective operation only.

Minnesota also authorizes the probate court to appoint a trustee to take care of a legacy contingent upon the legatee living to a certain age ('05 ch.234).

In providing that the executor of an executor shall not be entitled to qualify as executor of the first testator, North Carolina ('05 ch.286) does away with an old rule of the common law which (according to Woerner, *American Law of Administration*, § 350) has been abrogated by statute in 33 states.

LIENS AND MORTGAGES¹

LOUIS BOISOT LL.B., CHICAGO

Liens. The lien laws of the different states seem to be generally satisfactory to the people as represented by their lawmaking bodies, at least there is little attempt to change them. In Washington ('05 ch.116) liens are given on wells to persons furnishing labor or materials in their construction, and in Oklahoma ('05 ch.28 art.5) such a lien is given on gas and oil pipe lines. Nebraska ('05 ch.163) gives a lien to warehousemen for property deposited with them and New Hampshire ('05 ch.54) creates a lien on brick to those furnishing fuel for baking them. Liens on wagons and other vehicles are given for repairs by the laws of Maine ('05 ch.57) and Washington ('05 ch.72) and liens on horses and oxen for shoeing them are given in Wisconsin ('05 ch.260). Several states have given liens to the owners of male animals on the females served by them and on their offspring (Cal. '05 ch.461; Id. '05 p.232; Mich. '05 ch.166; N. H. '05 ch.33; Tex. '05 ch.20). In Tennessee, banks and trust companies may make advances on tobacco in storage and have a lien therefor ('05 ch.6), and the employees of individual merchants are given a lien on the merchandise for their services ('05 ch.414). There are a number of minor changes in the procedure of enforcing liens, but they are only of local importance.

That part of the Washington lien statute giving a lien on a railroad for provisions furnished to a contractor has been held unconstitutional as not embraced in the title of the act, which reads "An act creating and providing for the enforcement of liens for labor and material" (*Armour v. Western Construction Co.* 78 P. 1106).

Chattel mortgages. The prevention of that form of swindling which consists in mortgaging a chattel and then removing it from the control of the mortgagee is a subject which has received attention lately in several states. The most drastic law on this subject is an Oklahoma statute ('05 ch.13 art.9) which declares that a mortgagee of chattels who wilfully destroys, conceals, sells or removes them beyond the limits of the county without the written consent of the holder of the mortgage is guilty of felony. This act is commendable so far as it applies to the sale, concealment or destruction of the mortgaged chattels, but in so far as it applies to their removal from the county it would be more just if it excepted cases of innocent or necessary removal. This appears more clearly by comparing it with a Montana statute ('05 ch.72) which makes

¹See also Index of Legislation, 405.

the removal of mortgaged chattels from the county without the written consent of the mortgagee larceny only when done with intent to deprive the mortgagee of his claim thereto, and which also excepts from its operation rolling stock and vessels, which, of course, would be rendered useless by making them irremovable. Washington has passed a similar act ('05 ch.42) in regard to the purchasers of personal property under conditional sales. This act, like the Montana one, makes an intent to defraud the vendor an essential element of the crime, which in that state is only a misdemeanor.

The foreclosure of chattel mortgages has been made a little easier in Idaho ('05 p.129), by allowing it to be made by a constable as well as by a sheriff, a measure of doubtful expediency; and in North Dakota ('05 ch.61) by amending a curious statute requiring sales to foreclose chattel mortgages to be made on Saturday, by allowing them to be made on other days as well. On the other hand, the Legislature of Nebraska ('05 ch.79) has given a purchaser under conditional sale who has paid one third the purchase price a right of redemption for 20 days after the property has been seized by the vendor for default in payment.

The California act enumerating the articles of personal property that may be mortgaged has been amended ('05 ch.40) and a new provision enacted ('05 ch.460) to the effect that mortgages of non-enumerated articles shall be valid as between the parties and other persons with actual notice.

A North Dakota act ('05 ch.60) of interest to investors exempts mortgages of street car, telephone and telegraph companies from the requirements of the chattel mortgage act requiring renewal affidavits at the end of every three years.

Real estate mortgages. The legislation in regard to mortgages and trust deeds concerns itself principally with questions of releases and assignments, the object generally being to have the records show the exact condition of the title. Thus in Wisconsin ('05 ch.156) an assignee of a mortgage is required to record his assignment under penalty of \$100 and actual damages to the mortgagor. This provision is inserted rather clumsily in a section requiring mortgagees and their assigns to discharge satisfied mortgages, and may be read so as to require both the mortgagee and the assignee of the mortgage to record the instrument of assignment. North Dakota ('05 ch.154) has prescribed a form for satisfaction of mortgages, and Montana ('05 ch.34) requires assignees and personal representatives of a mortgagee, when releasing the mortgage, to

file with the release proof of their authority. The Missouri act in regard to partial releases of trust deeds has been amended ('05 p.238) so that the trustee is not required to join therein, and a California act ('05 ch.269) requires the officer selling under foreclosure to enter satisfaction of the mortgage within five days after the purchaser has become entitled to a deed. The most peculiar act on this subject is one passed by the Legislature of New Hampshire ('05 ch.37) which provides that when a mortgage is satisfied, the mortgagee must give a discharge thereof and the mortgagor must record the same within 30 days under penalty of a fine of \$10 against either party who neglects to comply with the law. This attempt to punish a man for failing to clear up the title to his own property is certainly a novelty in legislation. A Kansas statute ('05 ch.301) validates defective releases which have been recorded five years or more before the statute took effect.

CONTRACTS AND TORTS¹

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In 1905 a considerable amount of legislation relating to contracts and torts was enacted but much of it was of minor importance, consisting only of slight amendments to previously existing laws. Noteworthy and important amendments appeared, however, in certain lines. The uniform negotiable instruments law was adopted in five states; there was a considerable extension of restrictive legislation concerning sales of merchandise in bulk, and the anti "graft" crusade found expression in a prohibition of the receipt of commissions by agents. In the field of torts the most noticeable tendencies were an increase of laws relating to libel and a stricter accountability for personal injuries. In the main the tendency of the legislation was similar to that of 1904, but the general tendencies were accentuated because of the greater number of Legislatures holding their sessions in the odd-numbered years.

Negotiable instruments. Kansas, Michigan, Missouri, Nebraska and Wyoming adopted the uniform negotiable instruments act, so that there are now 30 jurisdictions in which negotiable instruments are governed largely in accordance with the recommendations of the commissioners on uniform legislation. The points in which these new enactments differ from the original recommendations of the commissioners are slight and do not affect to any considerable extent the practical workings of the law. In Kansas ('05 ch.310) the conclusive presumption of a valid delivery to all parties prior to a holder in due course is done away with. The amendment added by the New York act of 1898, to the effect that it is necessary that a person primarily liable on an instrument have funds available for the purpose of payment at the place of payment, is also incorporated in the Kansas act. This New York amendment was criticized by Mr Crawford (Annotated Negotiable Instruments Law, ed. 2, p.22) as superfluous and as imposing an unnecessary condition if taken literally. The Nebraska act ('05 ch.83) refuses to allow the collection of an attorney's fee in a suit upon an instrument made in that state, although it leaves to an instrument containing such a provision its character of negotiability. In Missouri ('05 p.243) the discharge of a prior party by bankruptcy does not discharge a person primarily liable on the instrument. The original provision of the negotiable instruments law was criticized by Prof. James B. Ames,

¹See also Governors Messages and Index of Legislation, 453.

because of this omission (Harvard Law Review, 14:241). The other changes from the original law in these and the other states adopting the act are of very slight importance.

California brings its code provisions concerning negotiable instruments more into harmony with the negotiable instruments law by providing that a negotiable instrument may allow an attorney's fee and cost of suit ('05 ch.97). In Florida ('05 ch.97) the issuance of a check where a person has not sufficient funds to meet it and has reason to believe that it will not be paid is made a felony under severe penalty, unless the consideration is returned within 24 hours after notice of nonpayment.

Many states have provisions requiring that notes taken for patent rights state the fact upon their face and making them nonnegotiable when so labeled. In recent years there has been a tendency to extend the scope of this legislation, as illustrated by the provisions in North Dakota ('05 ch.189) where notes taken for patent medicines or for the future cure of any disease are placed in the same class with patent right and lightning rod notes, and in South Dakota where notes given for lightning rods, patent rights, premiums or assessments for mutual hail insurance ('05 ch.140), medical treatment or medicine ('05 ch.141) are required to so state upon their face. The South Dakota act also makes the failure to carry out a guaranty to cure any disease a misdemeanor. Another general tendency in the law of negotiable instruments is illustrated in North Carolina ('05 ch.327) where days of grace are abolished except upon sight drafts.

Sales of merchandise. In consideration of this subject in Review of 1904 I noted the remarkable development of laws concerning the sales of merchandise in bulk or otherwise than in the usual course of business. This is further illustrated in the legislation of 1905 by the adoption of such laws in six states and the recommendations by Governor White of West Virginia favoring similar legislation. Another tendency also commented upon last year is illustrated by the action of the Supreme Court of Indiana in declaring the Indiana law upon this subject unconstitutional in the case of *McKinster v. Sager*, 72 N. E. 854. That decision holds that the Indiana law created a class of preferred creditors, namely, those persons who had given credit in the purchase of the merchandise or whose money was put into the business, and that the creation of such a preferred class and the practical exclusion of other creditors from a share in the proceeds of the sale is contrary to the 14th amendment of the federal Constitution. This provision was some-

what peculiar to the Indiana law and the court did not consider the effect of provisions in that act which are found in the laws of a number of other states. The constitutional objections to many of the laws upon this subject relate first to the requirements that an inventory be made in the case of the sale of merchandise in bulk, which it is claimed interferes with this kind of sales and thus with the liberty of contract by a certain class of merchants; secondly, the making of the sale conclusively fraudulent where the inventory is not made or creditors are not notified when the vendor might have been entirely solvent, and the inclusion in some acts of judicial sales. A law which only makes a failure to notify creditors prima facie evidence of fraudulent intent would not appear to be open to any constitutional objection.

The Connecticut act ('05 ch.211) only requires a notice to be recorded in the town clerk's office at least seven days before the sale, but makes the sale absolutely void in case this provision is not complied with. In Illinois ('05 p.284) an inventory and notice to creditors is required but the sale is only presumptively fraudulent. The Maine law ('05 ch.114) requires an inventory and notice to creditors and makes the sale absolutely void, although the inventory may be waived by a majority of the creditors. In Michigan ('05 ch.223) the inventory and notices are both required and the sale is void for noncompliance. The Pennsylvania act ('05 ch.44) requires the notice to creditors and makes the sale presumptively fraudulent. In Utah ('05 ch.90) the sale is absolutely void upon failure to notify the creditors, although a waiver by a majority of the creditors is allowed. There are some provisions in the Utah law which tend to show a restriction of the class of creditors to those whose money has gone into the business, as in the Indiana act, but it is doubtful whether the law would be construed in this manner. All of these laws, except Connecticut and Illinois, expressly exempt judicial sales from their operation.

It will be seen that the only act which does not contain some provision whose constitutionality has been doubted by the courts is that of Pennsylvania. What attitude the courts of these states would take on this question is of course very doubtful. It may, however, be expected that the question of the effect of the 14th amendment to the federal Constitution upon these laws will be brought for an authoritative decision before the federal courts.

Commissions. The general crusade against graft in politics and business is probably responsible for the appearance of a new class of laws aimed at the acceptance by agents or employees of gratuities

which are intended to influence their action in regard to their employers' business or in the making of contracts. Acts of this nature were enacted by the Legislatures of 1905 in Connecticut ('05 ch.99), Michigan ('05 ch.210), New York ('05 ch.136), Rhode Island ('05 ch.1219), Washington ('05 ch.158) and Wisconsin ('05 ch.129). These acts are all very similar in their character and generally impose penalties upon any one who gives or promises to any agent, employee or servant any gift or gratuity with intent to influence his action in relation to his principal's or employer's business, and upon every agent, employee or servant who corruptly requests or accepts such a gift or gratuity under an understanding that he will act in any particular manner in relation to his principal's or employer's business, and upon every agent or employee who is authorized to procure supplies or other articles or to employ labor and receives directly or indirectly a commission or bonus thereon.

In Connecticut and Rhode Island the bribing of an employee for the betrayal of knowledge of his employer's business is also punished, and in Connecticut, Rhode Island and Wisconsin no person is excused from testifying in such a matter on the ground that his testimony may tend to incriminate him, but he is given immunity for all matters in respect to which he testifies. The most serious evil which it is hoped these acts will meet is undoubtedly the receiving of commissions by agents who have the letting of large contracts, although there has been some humorous reference to these laws as aimed at the practice of tipping waiters and porters.

Suretyship. In my review of the legislation for 1904 an act of Ohio ('04 p.182) was noted which required that all bonds over \$2000 be secured by surety companies rather than by personal sureties. This law has been declared unconstitutional in the case of *State v. Robins*, 73 N. E. 470, on the ground that it interferes with the freedom of contract. The court says that the Bill of Rights of the Ohio Constitution guarantees the utmost freedom of contract and that while the Legislature may require the giving of bonds for the faithful performance of official or fiduciary duties, yet as long as a good bond is obtained the Legislature can not restrict the liberty of the officer or fiduciary in obtaining such a bond on terms satisfactory to himself. In contrast to this doctrine is the recommendation of Governor Otero of New Mexico that bonds for public moneys held by banks and all official bonds be executed by surety companies.

Interest. The only important legislation in 1905 on the subject of usury was that of Wisconsin ('05 ch.278) which makes a usurious loan secured upon chattels or by assignment of wages a misde-

meanor, punishable by fine or imprisonment. Governor Elrod of South Dakota recommends the reduction of the interest rate from 12%.

Miscellaneous contracts. The California Statute of Frauds ('05 ch.451) is extended to cover an agreement which by its terms is not to be performed during the lifetime of the promissor, or an agreement to devise or bequeath any property or to make any provision for any person by will. This is probably occasioned by claims which are often made against the estates of decedents, the only protection afforded in most states against such claims being by the exclusion of the testimony of the interested party. In Kansas ('05 ch.153) all prisoners for a term of less than life are given full power to contract in respect to their property. An interesting provision in Nebraska ('05 ch.104) in view of the great development in recent years of newspapers and magazines, is one which provides that the receipt of a publication which has not been ordered will not obligate a person for the subscription.

Personal injuries. An act of Missouri ('05 p. 135) makes a number of amendments to the statute of that state concerning death by wrongful act upon or occasioned by railroads, street cars, automobiles and other public conveyances. As far as this class of accidents is concerned the fellow servant doctrine is entirely abrogated. This, however, is not as important as it appears at first sight, for railroad companies in that state were previously taken out of the fellow servant doctrine, and a new enactment ('05 p.138) makes it clear that railroads include street railways and terminal roads. The act previously referred to also changes the compensation in case of death by such an accident from a fixed sum of \$5000 to a sum to be fixed by the jury at not less than \$2000 and not exceeding \$10,000. The compensation for death in other cases is, however, left at \$5000. The act is also extended so that where the deceased leaves no near kindred suit may be brought on behalf of the estate. A provision to the effect that the negligence of the deceased may be shown in defense is contained in the clause giving the right of action by the administrator or executor in case there be no surviving relative, and on its face allows the defense of contributory negligence only in such a case.

Libel. An act of Washington ('05 ch.4) repeals the statute of that state ('99 ch.59) allowing retraction in case of libelous publications. This act provided for giving notice before an action for libel could be brought because of a newspaper publication, and provided that in case a retraction was published in as conspicuous a place as

the libel had been and if the article had been published in good faith under an erroneous assumption of its truth, only actual damages could be recovered. In this respect the act was similar to the one declared unconstitutional by the Supreme Court of Kansas in *Hanson v. Krehbiel*, 75 P. 1041, as noted in the Review for 1904. Governor Otero of New Mexico calls attention to a demand for a statute punishing libel but urges that if such a law is enacted care should be taken that it would not prevent criticism by the press of public officials and public affairs, and that a retraction should be sufficient to prevent the recovery of anything but actual damages. The Washington act also provided that the publication of a fair report of a public proceeding without actual malice should not constitute libel.

In Montana the giving of a false and libelous statement to any publication and securing its actual publication is made a misdemeanor ('05 ch.36). North Dakota provides for the punishment of criminal libel and conspiracy to libel ('05 ch.128) and Oklahoma provides that the imputing of want of chastity to any female is a misdemeanor ('05 ch.13 art.6).

Governor Pennypacker of Pennsylvania comments at considerable length upon the libel law of that state, which attracted so much attention at the time of its enactment, and considers that it should be further extended as concerns criticism of public officials. He believes that the application of the old common law idea of common scolds would be advantageous and suggests that the Attorney General be allowed to bring actions to suppress a journal offending in whole or in part as for an abatement of a nuisance.

THE FAMILY¹

AMASA M. EATON, PRESIDENT OF THE CONFERENCE OF COMMISSIONERS
ON UNIFORMITY OF LEGISLATION

Under this head, during 1905, 66 laws were passed in 24 states. Most of them were unimportant amendments or additions to existing laws. Of the 66 laws, 1 relates to the family, 12 to marriage, 17 to divorce, 1 to family property, 1 to dower or curtesy, 4 to property rights of married women, 6 to rights of insane husbands or wives, 15 to support of the family, 7 to children and 2 to change of name. The following are of general interest.

In Wisconsin ('05 ch.17) a married woman can now maintain an action in her own name for the alienation and loss of the affections and society of her husband, thus giving the same right to women as to men in this respect.

Marriage. Michigan ('05 ch.136) prohibits marriage of one who has been confined in any public institution or asylum as epileptic, feeble-minded, imbecile or insane, except upon a verified certificate of complete cure, and that there is no probability of the transmission of such person's defects to the issue of such marriage, given by two regularly licensed physicians of the state. The marriage of any such person without such a certificate, or the procuring of such a marriage, is made a felony, punishable by fine or imprisonment, or both.

Nebraska ('05 ch.94) declares marriages between first cousins of the whole blood to be void.

California ('05 ch.186) provides that to obtain a marriage certificate, the parties to be married must qualify upon oath and must comply with the requisites of existing law. No license shall be granted when either is imbecile or insane, or at the time under the influence of liquor or of any drug. No license shall be granted to any minor unless with the consent in writing of the parent or guardian, duly verified, and such fact must be stated in the license.

Indiana ('05 ch.126) passed an important law in the right direction. It provides that no marriage license shall be issued except upon a written, verified application that shall contain a statement of the name in full, color, occupation, birthplace, residence, age etc. of those about to be married. These applications shall be recorded, together with the license and the marriage certificate. They shall be uniform, in form prescribed by the State Board of Health. No license shall be issued to any imbecile, epileptic or

¹See also Governors Messages and Index of Legislation, 474.

person of unsound mind. Marriages out of the state made with the intent to evade this law shall be void, except where the parties become citizens of such other state. Penalties are provided for false statements, performing any unauthorized marriage ceremony or issuing any false license.

These attempts to prevent marriages of imbecile and insane persons are in line with the recommendations of Governor Durbin of Indiana in his message for 1905: "The state should exercise the right, however, of preventing the contracting of marriage between persons manifestly unfit to assume its obligations, and particularly such marriage as insures the propagation of defectives who are certain to become a charge upon the state. The issuing of marriage licenses should be surrounded with greater safeguards, particularly the safeguard of publicity. The wisdom of requiring due notice by publication of an intention to assume the obligations of marriage has been suggested, and I commend the same to your consideration. We may reasonably consider the advisability of requiring on the part of those applying for licenses to marry, medical evidence that the contraction of marriage will not threaten society by the perpetuation of mental or physical deficiency. . ."

Kansas ('05 ch.302) forbids the issuance of a license authorizing the marriage of any male under 21 or of any female under 18, except with the consent of the parent or guardian, evidenced by verified certificate in writing, and in addition, if the male be under 17 or the female under 15, the consent of the probate judge must also be obtained.

New Mexico ('05 ch.65) provides that the parties must procure their marriage license from the county probate clerk. All marriages must be certified to such clerk within 90 days by the person performing the ceremony. Forms for the application, the license and the marriage certificate are given.

Divorce. Pennsylvania passed an act ('05 ch.24) of importance to the whole country, the result of which will be watched with interest. This act authorized the Governor to appoint three commissioners to codify the divorce laws of the state, and to cooperate with the other states, through a congress of delegates, in securing uniformity of divorce legislation in the United States.

California ('05 ch.79) defines "extreme cruelty" as "the wrongful infliction of grievous bodily injury or grievous mental suffering."

Florida ('05 ch.82) repeals '01 ch.88, which made incurable insanity a cause for divorce, in order that a certain divorce could be

obtained where no existing ground would allow it. Pennsylvania ('05 ch.152) makes hopeless insanity a cause for divorce. It were well could the cause for this legislation be made known.

Change of name. Wisconsin ('05 ch.75) provides that the declaration required of intention to change the name shall contain a complete description of all real estate of the declarant, with the name of the county it is in, which declaration shall be indexed by the Register of Deeds under the new and the old name.

Property rights of married women. Minnesota ('05 ch.255) passed an act providing that a married woman may contract as if sole, but her husband must join in sale of homestead; she is also liable for her torts.

Rights when husband or wife is insane. Delaware ('05 ch.196) provides a mode for assignment of dower to insane widows. North Carolina ('05 ch.138) provides that the husband of an insane woman confined in insane asylum, may convey his real estate (except the homestead) and bar his wife's dower when such conveyance is probated and registered.

Support of family. California ('05 ch.216) passed an act providing that a wife with legal cause for divorce may sue her husband for the support of herself and children, without suing for divorce. This restricts the right the wife had under C. C. §137, to sue her husband for such support, upon his wilful desertion, and is a retrograde step. Connecticut ('05 ch.214) makes it a felony to neglect to support one's wife or children, unless unable to do so. Nebraska ('05 ch.172) makes the wife a competent witness against her husband, upon prosecution for desertion and nonsupport. New Hampshire ('05 ch.108) makes it an offense, punishable by fine not to exceed \$50, for any parent having the legal custody of a minor child and being of sufficient ability, to neglect to provide for it, when by reason of such neglect such minor child shall become a town or county charge. The real offense here is settling the cost upon the town or county—not the neglect of the child, for there is no punishment for neglecting to provide for the child, unless it becomes a public charge. New York ('05 ch.168) makes it a felony to abandon a child under 16. Confidential communications between husband and wife are receivable in evidence in such cases. North Dakota ('05 ch.1) makes it a felony to abandon a wife or child. Wisconsin ('05 ch.226) provides that the earnings of a minor shall be his sole property, in case the parent neglects or refuses to provide for him.

One of the marked features of the legislation of this year is the increased disposition shown to guard against family desertion. The following is from the message of Governor Brodie of Arizona: "I desire to call your attention to the growing evil of wife and family desertion and to recommend that provision be made for the punishment of persons charged with such crime. Our statutes at present provide only for the punishment of parents deserting their children." Governor Chamberlain of Oregon said: "Desertion of wife and family should be made a crime for which the deserter may be extradited from the state in which he seeks an asylum." Governor Mead of Washington says: "Fewer applicants for divorce decrees would appear in our courts if this body enacted a law making it a felony or misdemeanor for a parent to desert his child, or for a husband to voluntarily desert and abandon his wife, unless some reasonable ground exists therefor."¹

¹See the exhaustive study of the law on this subject in the various states and a suggested form for a law by William H. Baldwin, of Washington, D. C. quoted in the annual address of the president of the conference of Commissioners on Uniform State Laws delivered August 18, 1905, in the Transactions of the American Bar Association for 1905.

COURTS AND THE PRACTICE OF LAW¹

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Courts

Tenure and term. During the period under review the tenure and term of judges were unaffected by legislation. Three governors, however, called attention to evils in the existing method of selecting judges. Governor Johnson of Minnesota indicates that the present system fails to secure an independent judiciary. In order to remedy this condition he recommends the separation of election for judges from general elections (Governors Messages 668c) a plan which is followed by Governor Toole of Montana (same, 668e) who renews his recommendation made to the last Legislature in 1903. The plan of having the Legislature select the judges of city, police and other inferior courts is criticized by the Governor of Connecticut (Governors Messages, 645a). He shows that evil first arises from the fact that the election of a member of the Legislature is often made to depend upon the attitude of the candidate to some local contest for a judgeship. He recommends that the power of the Governor to nominate judges of the intermediate courts be extended so as to include these inferior courts. It should be noted that Rhode Island in creating its new Superior Court (*see below*, "Intermediate courts") provided that the justices should be elected by the General Assembly for life, the same tenure and term that have obtained for the justices of the Supreme Court.

Compensation. The tendency to increase judicial salaries, which was emphasized in the Reviews for 1903 and 1904, found expression in a number of legislative acts during 1905. California ('05 ch.249) increased the salaries of judges of the Supreme Court from \$6000 to \$8000 and made the salaries of the judges of the New District Courts

¹See also Governors Messages and Index of Legislation, 590.

of Appeal \$7000. There was also a readjustment of the salaries of judges of the Superior Courts ('05 ch.78) and the salaries of justices of the peace in San Francisco were increased from \$2400 to \$3600 ('05 ch.14). The inadequate salaries of judges was referred to by the Governor of Florida in his message (Governors Messages, 668b) and an amendment to the Constitution was proposed by the Legislature, which will be submitted to a vote of the people in November of this year ('05 p.432) providing increases in the salaries of judges of the Supreme Court from \$3000 to \$4000 and of circuit judges from \$2500 to \$3500. Illinois made the remarkable change of 100% in the salaries of judges of the Supreme Court, increasing them from \$5000 to \$10,000 ('05 p.271) while Montana made a 50% increase from \$4000 to \$6000 in the salaries of judges of the Supreme Court and raised the salaries of district judges from \$3500 to \$4000 ('05 ch.43). New Hampshire increased the salaries of the chief justices of the Supreme and Superior Courts from \$3800 to \$4200 and of the associate justices of these courts from \$3600 to \$4000 ('05 ch.107). New Jersey gave \$1000 additional to the chancellor and judges of the Supreme Court ('05 ch.99) and raised the salaries of vice chancellors from \$9000 to \$10,000 ('05 ch.124). North Carolina added \$500 to the salaries of judges of the Supreme and Superior Courts making them \$3000 ('05 ch.208) while South Carolina advanced the salaries of judges of the Supreme Court to the same amount, an increase from \$2850 ('05 ch.420). Legislation authorizing increases in the salaries of circuit judges was enacted in Texas ('05 ch.166) and Wisconsin ('05 ch.520) and, as regards judges in circuits with a large population, in Michigan ('05 p.528, adopted April 1905) and in Oregon ('05 ch.96). One means of increasing the compensation of such judges is through allowance for traveling expenses. Provision was made in Florida ('05 ch.24) for the reimbursement of the actual traveling expenses of circuit judges up to \$300 annually, but it was provided that the act should not continue in effect if the people ratified the amendment to the Constitution, referred to above, which provides an increase in the salary of circuit judges. Reimbursement of actual traveling expenses was also provided in Michigan ('05 ch.218) but it was limited to expenses incurred in holding court outside of the county in which the judge resided. In Missouri, a similar provision, which has existed for some time, was amended so as to provide the sum of \$100 a month for the expenses of such judges ('05 p.291). As they are no longer required to file an itemized statement of their expenses the act provides an actual increase of salary. This

method of raising salaries was influenced by the fact that the Constitution provides that the compensation of judges shall not be increased during the period for which they were elected. Similar provisions in the Constitutions of other states have also caused difficulties. Governor Roberts of Connecticut called attention (Governors Messages, 668a) to the fact that the act of the Legislature of 1903 ('03 ch.163) which increased the salaries of judges whose terms began thereafter, brought about gross inequality, inasmuch as the judge youngest in service received 50% more salary than one who had served the state for 20 years. The Legislature, following a suggestion of the Governor that the provisions of the Constitution did not prevent the increase in the salaries of judges during the term for which they were appointed, amended the act of 1903 so as to make it apply to such judges ('05 ch.213). For some reason the Governor vetoed the measure but it was passed over his veto. In California, the Legislature proposed an amendment to the Constitution which will be submitted to a vote of the people in November of this year, striking out the provision that the salaries of judges can not be increased or diminished during their term of service, except so far as it applies to the Superior Court in counties having but one judge or in which the terms of all the judges expire at the same time ('05 p.1069).

Supreme Court. Increase of judicial business has been the cause of legislation for the relief of the Supreme Court in a number of states. In two of these the plan adopted makes provision for an increase in the number of judges of this court. In Washington, the number was increased from five to seven ('05 ch.5) in accordance with the recommendation of the Governor, who called attention to the constantly accumulating causes before the Supreme Court (Governors Messages, 605c). In North Dakota, a constitutional amendment ('05 p.351) which proposes to increase the number of judges of the Supreme Court from three to five, was referred to the Legislature of 1907.

Supreme Court Commission. The plan of making a permanent increase in the number of judges of the Supreme Court has of late met with more favor than that of appointing a temporary Supreme Court Commission to assist the court in disposing of an accumulation of cases. Nebraska constitutes an exception to this rule. Under the legislation of 1903 ('03 ch.37) the commission of nine members established in 1901 ('01 ch.25) had been continued, with six of its members holding for only one year and the others holding for two years. The Governor in 1905 stated (Governors Messages,

605b) that the court with the assistance of the three commissioners then in service was unable to keep up with its work, as the number of cases filed each month was in excess of the number disposed of. The Legislature accordingly provided for six commissioners to hold for two years unless the appointment is withdrawn by unanimous vote of the court before the expiration of such period ('05 ch.56).

Intermediate courts. Rhode Island has relieved its Supreme Court by creating a new court to exercise some of its jurisdiction. In 1903 an amendment to the Constitution ('03 ch.1089) was adopted which changed the jurisdiction of the Supreme Court and inferior courts. In 1905 a general act was passed which revised the judicial system of the state to conform to such amendment (May 3, 1905). This act does away with the Common Pleas Division of the Supreme Court and creates a Superior Court, consisting of a presiding justice and five associate justices, elected by the General Assembly for life, to exercise most of the former original jurisdiction of the Supreme Court as well as such appellate jurisdiction as may be provided by law.

It is probable that the desire to facilitate the exercise of the original jurisdiction was as much responsible for the change in Rhode Island as was the condition of the appellate docket of the Supreme Court. In other states, also, problems have arisen as a result of the overcrowded dockets of circuit and intermediate courts. In some instances a partial remedy has been provided by authorizing adjourned or special terms of the court (Tenn. '05 ch.113; Tex. '05 ch.83). Illinois ('05 p.146) adopted the plan of holding two divisions of the Circuit Court by authorizing a branch circuit court to be held in any county, during the regular term of the Circuit Court. A similar method was followed in New York where an amendment to the Constitution, proposed in 1904 ('04 p.1931), approved by the succeeding Legislature ('05 p.2141) and adopted by the people in November 1905, authorizes a justice of the appellate division of the Supreme Court, when not actually engaged in acting as such, to exercise any of the powers of a justice of the Supreme Court in any county or judicial district not embraced in the judicial department to which he may be designated. This is not the only remedy provided by New York to relieve the congested calendars of the Supreme Court, particularly in the first and second judicial districts. The attempt to secure the necessary amendment of the Constitution which commenced in 1899 was finally brought to a successful conclusion in November 1905 by the adoption of the constitutional amendment proposed in 1902 ('02 p.1802) and

repassed by the succeeding Legislature ('03 p.1452). This amendment authorizes the Legislature to increase the number of justices in any Supreme Court judicial district not to exceed one for each 60,000 or fraction over 35,000 of the population thereof, except that in the first and second judicial districts the number shall not be more than one for each 80,000 or fraction over 40,000 of the population thereof. A constitutional amendment proposed in Florida ('05 p.433) which will be submitted to a vote of the people in 1906, provides for an additional court of record in Escambia county, while an amendment proposed to the Constitution of Georgia ('05 p.66) which will be voted upon at the same time, authorizes the Legislature to increase or diminish the number of judges in any judicial circuit. Governor Heyward of South Carolina (Governors Messages, 609c) repeated his recommendation of the preceding year that the number of judicial circuits be increased from 8 to 10 and this time secured the requisite legislative approval ('05 ch.428). In New Jersey an act which provided for the appointment of three judges, each of whom is authorized to hold the Circuit Court in the absence of a justice of the Supreme Court, was amended so as to increase the number of judges to be appointed to five ('05 ch.268).

Efforts have been made for some time to reform the judicial system of New Jersey. In 1903 the Legislature proposed six amendments to the Constitution affecting the judiciary, but all of them were rejected by the people (Review of Legislation, 1903, p.88). The last Legislature authorized ('05 ch.88) the appointment of a commission to investigate and report necessary reforms in the system of courts and methods for simplifying the system of procedure, restricting appeals, and preventing unnecessary litigation. In this connection may be noted an act of Massachusetts ('05 ch.321) which requires the clerks of the Superior Courts for the several counties to report annually to the Secretary of the Commonwealth detailed statistics relating to the trial of causes, which are to be abstracted by the secretary and included in his annual report.

Municipal courts. The most important legislation affecting municipal courts was the act of the Illinois Legislature ('05 p.157) creating a municipal court for the city of Chicago subject to the approval of the voters of said city, which approval was given at the election in November 1905. The court consists of a chief justice and 27 associate judges elected for terms of six years, one third of the latter retiring every two years. The offices of justices of the peace and police magistrates are to be abolished by the act

and their jurisdiction conferred upon the municipal court, which will have, however, a wider civil and criminal jurisdiction, including the disposal of any cases which may be transferred to it by the Circuit, Superior or Criminal Courts of Cook county. The cases falling under its jurisdiction are divided into five classes, the pleadings being more or less formal according to the class under which the case falls. The city is divided into five districts and one or more branch courts, each presided over by a single judge, must be held in each district. All of the members of the court meet together once a month for the consideration of matters pertaining to the administration of justice in the court.

In North Dakota, the act authorizing municipal courts in cities containing at least 5000 population, which had been declared unconstitutional, was repealed ('05 ch.89), while in South Dakota a constitutional amendment ('05 ch.69) to be voted upon in November 1906, confers power upon the Legislature to establish such courts in cities of that size. In South Carolina ('05 ch.456) the minimum population which can authorize a city to establish a municipal court was reduced from 4000 to 2000, while in Wyoming ('05 ch.27) a court of this character was created in each incorporated city or town having two or more justice precincts.

Reports and reporters. The three District Courts of Appeal recently established in California (Review, 1904, p.63) required reporters for their decisions. Instead of appointing a separate reporter for each court, as is done in some states, the Legislature abolished the positions of reporter of the Supreme Court and deputy reporter, and provided for a reporter and not more than three assistant reporters of the Supreme Court and of the District Courts of Appeal, to be appointed by and to hold during the pleasure of the Supreme Court ('05 ch.224; '05 ch.243). The former reporter of the Supreme Court had been appointed by the Governor for a term of four years. In New York, where the Supreme Court reporter had not received a salary but had possessed the right to publish the reports and to dispose of the same, the law was amended ('05 ch.164) so as to give him a salary of \$5000 and deprive him of any pecuniary interest in the reports, which are to be published under state contracts made by the reporter with the approval of the presiding justice of the appellate division of the Supreme Court. Similar action with regard to the publication of reports was taken in Washington ('05 ch.167) with the proviso that the entire manufacture of the volumes must be within the state, while in North Carolina ('05 ch.400), where the contract is let by the Supreme Court, it is required that preference shall be given to the printers of the state.

Public prosecutor. Increasing evidence appears of a tendency to establish a central control over the acts of local officials of judicial administration. Florida ('05 ch.28) authorizes the Governor to require any two state's attorneys to make an exchange of circuits or of courts or to assign one state attorney to discharge the duties of another state attorney in any circuit. In Pennsylvania ('05 ch.225) the Attorney General, when requested by the presiding judge of a district, can employ an attorney who shall supersede the district attorney of the county and represent the state in any criminal proceedings. In South Dakota, a similar power of appointment is conferred upon the Circuit Court ('05 ch.90). Governor Bell of Vermont (Governors Messages, 675a) calls attention to the prevailing custom of electing the younger and less experienced members of the bar to this office with the result that it "has become an experiment station in the law." Curious illustrations of the difficulties which may arise in the matter of securing proper officials of judicial administration are revealed by the fact that Arizona has found it necessary to require that the district attorney shall be a person learned in the law and admitted to practice in the courts of the territory ('05 ch.18) while her sister territory of New Mexico has provided that "hereafter no person who may be under indictment or may be generally known as a notorious bad character, or as a disturber of the peace, shall be eligible to serve as a deputy sheriff" ('05 ch.120).

Practice of law

Admission to bar. Several states have given evidence of the tendency to raise the standard of the legal profession by imposing stricter requirements for admission to the practice of law. An amendment proposed to the Constitution of Indiana ('05 ch.171), which will be submitted to a vote of the people in November of this year, repeals the provision that every voter of good moral character shall be entitled to admission to practise law in all courts and confers upon the General Assembly the power to prescribe the necessary qualifications. In Kansas, the extension of law school courses from two to three years is recognized ('05 ch.67) by a similar increase in the number of years during which a person who is not a graduate of a law school must have read law in an attorney's office before being admitted to the Supreme Court examinations for admission to practice. In Missouri ('05 p.48) the power of admitting persons to practise as attorneys has been taken away from the circuit and other intermediate courts and left exclusively with the Supreme Court which acts upon the recommendation of a board of

five law examiners appointed by it. In North Dakota ('05 ch.50) the judges of the Supreme Court have been relieved of the duty of conducting examinations by the creation of a similar board of three examiners appointed by such court, while in California ('05 ch.8) this duty has been transferred from the Supreme Court to the newly created District Courts of Appeal. All of the above acts apply to graduates of law schools as well as to other persons, but Texas, which had passed a similar law in 1903 (ch.42) amended this law ('05 ch.100) so as to exempt a graduate of the law department of the University of Texas who presents his diploma within one year from the date of its issue, without, however, exempting him from the payment of the same fee of \$10 that is required of other applicants.

Practice limitations. Advertising by fakes in the legal profession is receiving the attention of legislators. In Colorado, a person who advertises or represents himself in any way as an attorney without possessing a license from the Supreme Court is declared guilty of contempt of such court ('05 ch.77), while in California ('05 ch.487), Illinois ('05 p.190) and Nebraska ('05 ch.6) such conduct is made a **misdemeanor**.

LIQUOR LEGISLATION^a

RUSSEL HEADLEY, NEW YORK STATE DEPARTMENT OF EXCISE

During 1905, 28 states have enacted a total of 92 laws relating to the liquor traffic. Naturally many of these enactments are of minor importance, and merely have for their object the correction of technical defects in existing legislation, or consist in immaterial amendments; but there remains a considerable residuum embodying much of moment, and entitled to careful examination through the effect they may produce upon the body politic.

In **California** three laws relating to the liquor traffic were passed. The first is an amendment to the Penal Code making it a misdemeanor, punishable by a fine not exceeding \$300, or imprisonment for not more than 150 days, or both, for any one except a parent or guardian to supply a minor under 18 with intoxicants or to allow him to visit places where intoxicants are sold.¹ Another act amends §172 of the Penal Code by increasing the number of designated state buildings, in the territory adjacent to which the sale of intoxicants is prohibited.² The third law repeals §303 of the Penal Code, which made the sale of liquor, or employment of a woman to sell the same, at a place of amusement, a misdemeanor.³

In **Connecticut** eight laws were passed, all of which amend the General Statutes of 1902, viz: amending the law relative to the publication of applications for liquor licenses;⁴ relating to the disposition of moneys received for liquor licenses, by providing for payment of a portion thereof to county and town treasurers;⁵ concerning the attachment of liquor licenses, and providing that a purchaser of a license under such proceedings shall have the same privileges as the original holder upon complying with the requirements of the law regulating the manner of procuring licenses;⁶ regulating the time for filing notices of appeal from the action of the county commissioners in granting or refusing to revoke a liquor license;⁷ providing for an annual report by such commissioners of

^aSee also Governors Messages and Index of Legislation, 900.

all licenses granted by them for the fiscal year ending September 30;⁸ providing for a fine of not more than \$7 against any person found in a place where liquor is sold at unlawful hours;⁹ relating to purchases of liquor by agents, and the production of orders on the request of certain officers;¹⁰ providing for combining in one complaint for excise violations all the counts relating to the same transaction.¹¹

In **Florida** there were two acts passed. One provides that where counties vote to discontinue the liquor traffic prior to the expiration of licenses already granted, the amount of the license for the unexpired term shall be refunded.¹² The other prohibits under penalty of fine and imprisonment the sale or gift of intoxicants to Indians, except upon a physician's prescription.¹³

The only legislation enacted in **Georgia** makes it a misdemeanor to be intoxicated in any public place.¹⁴

There were but two acts in **Indiana**: one an amendment to the laws of 1895 ch. 127 §9, providing for an effective local remonstrance against the granting of a license if made by a majority of the voters, and establishing the form thereof;¹⁵ and the other making it a misdemeanor for the proprietor of a place of entertainment where intoxicants are sold or given away to allow the place to be frequented by any boy under 16 or any girl under 17.¹⁶

The only enactment passed by **Kansas** makes it a misdemeanor for a public carrier or its agent to deliver intoxicants except on a written order of the consignee, or for the latter to issue the same except to secure delivery of the goods to himself.¹⁷

The four enactments of the **Massachusetts** Legislature are of but minor importance: one relates to the refunding of portions of license fees where the licensee dies or surrenders his license before the expiration of its term;¹⁸ another permits licensees holding fourth or fifth class licenses to store liquor on the premises not covered by the license provided no liquor therefrom is delivered to a purchaser;¹⁹ a third changes the name of the Massachusetts Hospital for Dipsomaniacs and Inebriates to Foxborough State Hospital;²⁰ while the fourth prescribes the procedure relative to the release of persons arrested for drunkenness.²¹

Of the two laws enacted in **Maine**, one relates to the better enforcement of the laws against the manufacture and sale of intoxicants, by the appointment of an enforcement commission invested with arbitrary powers;²² and the other provides that persons suffering from the habitual use of narcotics may be committed to a general hospital.²³

An unusual activity in liquor legislation was manifested in **Minnesota** last year, resulting in no less than eight enactments. One authorizes the electors of villages having a population of 2000 to vote upon the question of licensing the sale of intoxicants in such villages, when a petition is signed by at least 10 legal voters. This question may be submitted annually, and the result governs the traffic until reversed at a subsequent annual election.²⁴ Another provides that licenses to sell intoxicants in lots of 5 gallons to other than licensed saloonkeepers, druggists or physicians, are to be issued only on a petition made by 100 legal voters, and the fee therefor shall not be less than \$500 annually.²⁵ The remaining acts are as follows: prohibiting the furnishing of liquor to paroled prisoners;²⁶ defining and penalizing "common and habitual liquor selling without license";²⁷ making it a misdemeanor to engage in unlicensed liquor traffic in counties having from 75,000 to 150,000 inhabitants;²⁸ providing that the frequenter of a place suspected of illegal liquor traffic may be subpoenaed and examined before a justice or court on the affidavit of a resident voter;²⁹ providing that a licensee shall be liable upon his bond for any infraction of law, whether his license is revoked or not, and that the sureties thereon are also liable in all cases where the principal would be liable;³⁰ creating the office of county inspector and empowering him to enforce the liquor laws in counties having a population from 150,000 to 200,000.³¹

In **Missouri** there were three acts: relating to the appointment, salary and duties of an excise commissioner in all cities of 300,000;³² providing that every licensee must give a bond not to sell liquor to minors and defining such sale as a misdemeanor;³³ and requiring every druggist to file with county clerks on the first Monday of each month a list of all prescriptions for intoxicating liquors only, filled by them during the preceding month.³⁴

Montana passed four excise acts. One regulates the issuance of licenses in localities containing less than 100 inhabitants, and requires as a prerequisite therefor a petition signed by at least 20 freeholders;³⁵ another fixes the rate of license fees throughout the state;³⁶ the third makes it a misdemeanor to sell intoxicants to a minor without the consent of its guardian;³⁷ the fourth declares it an offense punishable by fine or imprisonment to sell or give away liquor within 5 miles of any logging-camp, sawmill, sheep-shearing camp, railroad, irrigation ditch or canal in course of construction.³⁸

Three acts were passed by **Nebraska**. The first is an amendment allowing one surety upon a liquor bond, when such surety is an incorporated surety company.³⁹ Another act makes it a mis-

demeanor to sell liquor within 5 miles of labor camps where 25 or more men are employed, and prohibits the granting of a license within those limits."^o The third act provides that dipsomaniacs, inebriates and persons excessively addicted to the use of certain drugs shall be admitted to the Nebraska Hospital for the Insane under certain circumstances and may be detained there until cured, not exceeding 3 years. Any person within that time who is believed to be cured may be released upon parole. The expense of supporting patients at the institution is borne by the counties from which they are sent."¹

Five acts were passed by **New Hampshire**. The first relates to the powers of special agents, divides licenses into nine classes, restricts bottling, prohibits innholders from serving liquor at any table in a room where liquor is usually sold, or saloonkeepers from serving liquor at tables, fixes license fees for the different classes, in amounts running from \$10 for selling only upon a physician's prescription to \$2000 for distillers, brewers and bottlers. An administrator may sell a license or surrender the same for rebate; the powers of the license board are defined; the compulsory attendance of witnesses in revocation proceedings and their fees are provided for, and penalties established for violations in license towns."² Two acts relate to penalties for the illegal sale of liquor"³ and alcoholic beverages."⁴ Another act deals entirely with civil remedies in the case of offenders against the liquor laws in no license territory;"⁵ while the last act regulates the duty of officials charged with the enforcement of the public statutes and places the expense of a prisoner in jail for drunkenness upon the county."⁶

Of the three laws enacted in **New Jersey**, the first is a trifling amendment of the existing law, regarding the publication of the application for a license in a city of the first class;"⁷ the second permits city hotels to secure liquor licenses without providing stabling and provender for beasts;"⁸ while the last prohibits the granting of a liquor license to any new place which is within 200 feet of a church, schoolhouse or armory."⁹

New Mexico passed an act which, after making some alterations in the license fees, prohibits the granting of a license in a city, town or village of less than 100 inhabitants; saloons are not permitted within 5 miles of a United States government sanatorium, 2 miles of a military reservation, 1 mile of the College of Agriculture and Mechanic Arts, or within $\frac{1}{2}$ mile of the University of New Mexico or the School of Mines, or within 3 miles of any labor camp

where 25 men are employed. Provisions are also made for revoking liquor licenses, and all violations of the act are made misdemeanors."

Nevada has three enactments. The first provides for state licenses, fixes the rate of license fees at \$50 for retailers, \$100 for wholesalers and \$12 for drug stores, and prescribes penalties for selling without a license." The second act requires all saloons in which women are employed to take out an additional license at the rate of \$500 for every three months." The last of the enactments is a step backward, as it repeals the law of 1872 which compelled saloons or gaming houses to close at midnight."

The New York Legislature passed six acts relating to the liquor traffic. The first provides that where a liquor tax certificate has been forfeited and the holder continues to occupy the premises, the business can not be again carried on therein for the space of one year by any member of his family, employee, agent or any person representing him, unless new consents for trafficking in liquor thereat are obtained and filed." The second act repeals subdivision 3a of §11 of the liquor tax law, which allowed druggists to sell liquor in pint lots upon payment of a 10 cent tax." The third is merely an amendment to the act relating to the maintenance of saloons near public industrial or penal institutions." The fourth amends the liquor tax law as to the definition of "trafficking in liquors" by including therein the sale of any substance composed in part of liquor, which is subject to the United States revenue tax." The fifth enactment makes some slight alterations in local option proceedings, corrects a former omission in describing the class of persons who are prohibited from trafficking in liquor, increases the facilities for the institution of revocation proceedings, and relates to cancelation of tax certificates, convictions, county clerks reports thereof and fees." The sixth act regulates the inspection of hotels establishing summary revocation of liquor tax certificates, and other drastic measures consequent upon a building licensed as a hotel not possessing the requirements of a hotel, but as this act was declared to be unconstitutional it is unnecessary to refer to it further."

Five laws were enacted in North Carolina. The first prohibits the manufacture or rectification of liquor in municipalities of less than 1000, prescribes that all towns where liquor is manufactured or sold must have not less than two policemen, and if such number is not maintained the licenses therein are to be canceled; weekly inspections of places where liquor is sold or manufactured must

be had and reports made, and the possession or issuance of a United States license is to be deemed *prima facie* evidence of liquor traffic.⁶⁰ The other acts are as follows: repealing chapter 349 Laws of 1903 which restricted the liquor traffic, except as to the counties of Cleveland, Cabarrus, Mitchell and Gaston;⁶¹ declaring that the place of delivery of intoxicating liquors shall be held to be the place of sale thereof, and the term intoxicating liquors defined as including all liquors or mixtures that will produce intoxication;⁶² making the keeping of a record of sales by dispensary discretionary with dispensary commissioners, and making it a misdemeanor to buy liquor for minors or persons to whom sale has been forbidden by dispensary commissioners;⁶³ making it a misdemeanor for a landowner to permit the setting up of a distillery on his property if the latter is within territory where the manufacture and sale of intoxicating liquor is prohibited by law.⁶⁴

The only enactment in **North Dakota** amends slightly the statute regulating druggists permits: it requires the druggist's petition for a permit to sell liquor to be signed by 60% of the reputable freeholders and 50% of the women who are residents of the town, village, township or ward of any city wherein such business is located; also the druggist shall make but one sale and one delivery of not to exceed 1 pint of any intoxicating liquors in each 24 hours.⁶⁵

An enactment in **Oregon** prohibits the sale of intoxicants to females under 21 years of age, and prohibits saloonkeepers from allowing such females to frequent their places unless accompanied by parent or husband, under penalties ranging from \$100 to \$1000 or imprisonment from three months to one year, or both.⁶⁶

Rhode Island passed four acts. One amends the law in relation to the sale of liquor by retail druggists as follows: an original package may contain not more than a quart; the license shall expire on May 1; the fee is fixed at \$25 and no liquors may be sold on Sunday unless upon a physicians prescription.⁶⁷ The second act declares that a building used for the sale of liquor by a club or association without a special club license is a common nuisance and the charter of incorporation of such club shall be void on conviction of a member thereof for a violation of the act.⁶⁸ By the third act, a penalty of \$20 fine and 10 days' imprisonment is provided upon conviction of soliciting orders for the sale of intoxicants from persons not licensed to sell the same.⁶⁹ The fourth act allows druggists licenses to be granted in towns or cities voting against the liquor traffic.⁷⁰

Only two laws were enacted in **South Carolina**: one permitting the county board to fill vacancies in the office of county dispenser;⁷¹ the other providing for a joint legislative committee of three to investigate the affairs of the State Dispensary.⁷²

Four laws were passed in **South Dakota**: making it a misdemeanor to sell liquor within 5 miles of a public work construction camp, an exception being made in cases of existing licenses;⁷³ declaring it a misdemeanor for a physician to give a prescription for intoxicating liquor except for medicinal purposes;⁷⁴ prohibiting the granting of liquor licenses where a majority of the votes at the last general election has been adverse to liquor traffic;⁷⁵ and providing that wholesale druggists possessing stock not less in value than \$20,000 may sell liquors to registered pharmacists.⁷⁶

There were two laws passed in **Tennessee**: the one giving the grand juries inquisitorial powers in cases of drunkenness;⁷⁷ the other prohibiting any person from buying liquor for another within 4 miles of any schoolhouse, except in those incorporated towns where licenses to sell liquor have been granted.⁷⁸

In **Texas** four laws were passed: making it a misdemeanor for persons storing liquor for others within territory wherein the sale of intoxicants is prohibited by law, to permit it to be drunk on the premises;⁷⁹ fixing the time of holding second local option elections;⁸⁰ prohibiting soliciting the sale or delivery of intoxicating liquors in local option districts;⁸¹ and making it a misdemeanor to ship liquor to prohibition districts without marking the contents of the package.⁸²

An important decision was rendered last year by the Texas Court of Criminal Appeals, holding that the act of 1901 providing that C. O. D. contracts of sale and shipment of intoxicating liquor into local option territory are to be deemed to have been made where the goods are delivered and paid for, is unconstitutional, since it gives a meaning to "sale" in excess of the powers granted by art. 16 §20 of the Constitution, authorizing local option.⁸³

Two acts were passed by the **Vermont** Legislature at its October session in 1904. One permits the court before whom a person is convicted of intoxication to suspend sentence for a definite term not exceeding two years.⁸⁴ The complete reversal of Vermont from her former system of prohibition and change to a system of license and local option in 1902 resulted in a liquor law in that year which went into effect March 3, 1903, known as chapter 90 of the laws of 1902. In 1904 this act was thoroughly revised. The following is a synopsis of the important changes: The assistant judges of the County

Court shall appoint the license commissioners for each town voting in favor of a liquor traffic; no license can be granted to a place for which a license has been revoked within one year; no license, except for the sale of liquor for medicinal purposes, can be granted to a room in any dwelling house, nor to any apartment having an interior communication with a dwelling; the number of licenses issued is limited to one to every 1000 inhabitants; the Secretary of State prepares all licenses; changes are made in the license fees and hours of sale; innkeepers can not sell liquor on Sunday except to guests with their meals, and then only at the public table; minors and certain other persons can not be served with liquor; no booths, stalls or obstructions are allowed in a barroom, and furniture of any description is forbidden therein; no merchandise other than intoxicating liquors can be sold upon the licensed premises; a license may be summarily revoked without a hearing and no appeal lies from the decision, but the licensee must first be refunded the balance of his license fee, and the mode of procedure for violations of law is rendered more specific; the civil damage features of the former law are considerably amplified, and the crime of public intoxication more fully defined."

The two enactments of **Washington** are of but little importance, as one simply amends the law in relation to civil damage suits against liquor dealers," while the other declares all licenses invalid until indorsed by the State Treasurer with his receipt for the state's proportionate part of the fee."

Wisconsin has been quite prolific in excise legislation, as no less than seven laws were enacted in 1905. The first provides that local boards and common councils may grant licenses at a rate of \$100 in towns containing no city or village, and possessing 500 inhabitants, and \$200 for all other places; pharmacists are excepted from these provisions." The remaining acts are as follows: prohibiting the presence of girls under 17 at dances held in saloons and in places in connection with them unless accompanied by parent, and providing both fine and imprisonment and revocation of license for the saloon keeper violating the act;" on a judgment decreeing the destruction of liquor upon conviction for violations of the excise law, providing for its storage in case of an appeal, and restoration on acquittal;" providing that selling liquor to a person under 17 shall be punishable with a fine of from \$25 to \$200, imprisonment from five days to eight months, or by both such fine and imprisonment;" defining the conditions under which a delivery of an order for liquors constitutes a sale;" defining the manner in which pharmacists can

traffic in liquor in towns in which no license is granted, prohibiting its sale as a beverage, providing that a certificate or physician's prescription shall be prerequisite for a sale, and fixing penalties for violations;" forbidding the granting of licenses within 300 feet of any public or parochial school, except to drug stores, hotels or restaurants maintained as such prior to February 1905."

Wyoming passed an act making it a misdemeanor for any intoxicated person to enter a mine, smelter or metallurgical works where others are employed, or to carry any intoxicant therein, under penalty of a fine not exceeding \$500, to which may be added imprisonment for not exceeding one year."

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| ¹ Cal. '05 ch.514 | ⁴⁰ N. J. '05 ch.21 |
| ² Cal. '05 ch.491 | ⁴⁰ N. M. '05 ch.115 |
| ³ Cal. '05 ch.500 | ⁴¹ Nev. '05 ch.128 |
| ⁴ Ct. '05 ch.30 | ⁴² Nev. '05 ch.107 |
| ⁵ Ct. '05 ch.40 | ⁴³ Nev. '05 ch.69 |
| ⁶ Ct. '05 ch.106 | ⁴⁴ N. Y. '05 ch.677 |
| ⁷ Ct. '05 ch.150 | ⁴⁵ N. Y. '05 ch.678 |
| ⁸ Ct. '05 ch.260 | ⁴⁶ N. Y. '05 ch.104 |
| ⁹ Ct. '05 ch.19 | ⁴⁷ N. Y. '05 ch.679 |
| ¹⁰ Ct. '05 ch.117 | ⁴⁸ N. Y. '05 ch.680 |
| ¹¹ Ct. '05 ch.274 | ⁴⁹ N. Y. '05 ch.697 |
| ¹² Fla. '05 ch.108 | ⁵⁰ N. C. '05 ch.339 |
| ¹³ Fla. '05 ch.72 | ⁵¹ N. C. '05 ch.361 |
| ¹⁴ Ga. '05 p.114 | ⁵² N. C. '05 ch.440 |
| ¹⁵ Ind. '05 ch.6 | ⁵³ N. C. '05 ch.458 |
| ¹⁶ Ind. '05 ch.99 | ⁵⁴ N. C. '05 ch.498 |
| ¹⁷ Kan. '05 ch.347 | ⁵⁵ N. D. '05 ch.98 |
| ¹⁸ Mass. '05 ch.206 | ⁵⁶ Or. '05 ch.198 |
| ¹⁹ Mass. '05 ch.284 | ⁵⁷ R. I. '05 ch.1223 |
| ²⁰ Mass. '05 ch.400 | ⁵⁸ R. I. '05 ch.1235 |
| ²¹ Mass. '05 ch.384 | ⁵⁹ R. I. '05 ch.1236 |
| ²² Me. '05 ch.92 | ⁶⁰ R. I. '05 ch.1239 |
| ²³ Me. '05 ch.3 | ⁷¹ S. C. '05 ch.427 |
| ²⁴ Minn. '05 ch.10 | ⁷² S. C. '05 p.1220 |
| ²⁵ Minn. '05 ch.346 | ⁷³ S. D. '05 ch.122 |
| ²⁶ Minn. '05 ch.72 | ⁷⁴ S. D. '05 ch.123 |
| ²⁷ Minn. '05 ch.54 | ⁷⁵ S. D. '05 ch.124 |
| ²⁸ Minn. '05 ch.59 | ⁷⁶ S. D. '05 ch.146 |
| ²⁹ Minn. '05 ch.192 | ⁷⁷ Tenn. '05 ch.7 |
| ³⁰ Minn. '05 ch.246 | ⁷⁸ Tenn. '05 ch.422 |
| ³¹ Minn. '05 ch.298 | ⁷⁹ Tex. '05 ch.64 |
| ³² Mo. '05 p.142 | ⁸⁰ Tex. '05 ch.158 |
| ³³ Mo. '05 p.140 | ⁸¹ Tex. '05 ch.159 |
| ³⁴ Mo. '05 p.145 | ⁸² Tex. '05 ch.160 |
| ³⁵ Mon. '05 ch.71 | ⁸³ Keller v. State 87 S. W. 669 |
| ³⁶ Mon. '05 ch.82 | ⁸⁴ Vt. '04, ch.116 |
| ³⁷ Mon. '05 ch.17 | ⁸⁵ Vt. '04 ch.115 |
| ³⁸ Mon. '05 ch.39 | ⁸⁶ Wash. '05 ch.62 |
| ³⁹ Neb. '05 ch.92 | ⁸⁷ Wash. '05 ch.122 |
| ⁴⁰ Neb. '05 ch.93 | ⁸⁸ Wis. '05 ch.20 |
| ⁴¹ Neb. '05 ch.82 | ⁸⁹ Wis. '05 ch.103 |
| ⁴² N. H. '05 ch.49 | ⁹⁰ Wis. '05 ch.230 |
| ⁴³ N. H. '05 ch.46 | ⁹¹ Wis. '05 ch.299 |
| ⁴⁴ N. H. '05 ch.116 | ⁹² Wis. '05 ch.341 |
| ⁴⁵ N. H. '05 ch.117 | ⁹³ Wis. '05 ch.349 |
| ⁴⁶ N. H. '05 ch.105 | ⁹⁴ Wis. '05 ch.385 |
| ⁴⁷ N. J. '05 ch.105 | ⁹⁵ Wy. '05 ch.58 |
| ⁴⁸ N. J. '05 ch.270 | |

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General supervision. The most important legislation relating to the organization and duties of the sanitary department of the state was in Pennsylvania ('05 ch.218) where the Board of Health was abolished and a commissioner of health substituted therefor. The commissioner is appointed by the Governor with the consent of the Senate, holds office for four years, and receives a salary of \$10,000. To make the break from the old system less sharp, an advisory board is provided for, consisting of six physicians, to be appointed in the same way as the commissioner and receiving no salary. Apparently the advisory board, together with the commissioner, have very great legislative power, and the commissioner alone has power under certain circumstances to annul the regulations of local boards. The commissioner is to divide the state into 10 districts and appoint a health officer for each district at a salary of \$2500. This act illustrates the tendency of the times, first by providing for a single strong executive, and second by establishing an efficient central control over local affairs, both legislative and executive. A noteworthy point is the salaries, which are larger than are usually offered, thus permitting the selection of men who will make the most of the office. Another tendency is illustrated in Michigan ('05 ch.18) where the secretary, that is the executive officer of the Board of Health, is to be appointed by the Governor for a term of six years instead of elected by the board for good behavior.

As originally constituted the California State Board of Health was largely advisory, but by an act of last year ('05 ch.340) its powers have been greatly extended. It is given full authority to make rules and regulations. It may isolate communicable diseases at home or establish places of isolation, and may disinfect or destroy goods. It may maintain quarantine not in conflict with national

¹See also Governors Messages and Index of Legislation, 930.

laws. It has power to prevent the pollution of ice and water and to abate nuisances. No public buildings are to be erected without its written approval. It may advise local health authorities and contest and regulate their action. Certainly the powers given are great, and the control of the state over local sanitation is marked. Centralization here is proceeding apace.

One of the important executive functions recently assumed by state boards of health is the maintenance of laboratories for chemical and bacteriological work. In the performance of the latter function the state board is brought into daily relation with local boards throughout the state, and the influence of the state board, and the centralizing tendency in sanitary matters, must be considerably increased thereby. In 1905 such laboratories were provided for by law in California ('05 ch.223), Connecticut ('05 ch.162), North Carolina ('05 ch.415), Wisconsin ('05 ch.471) and Utah ('05 ch.80) though in the latter state the laboratory is for chemical work alone.

A similar function is the production and distribution of antitoxin which has been provided for in Illinois ('05 p.387) and California ('05 ch.340). In Minnesota there was a revision of the statutes and the portion relating to sanitation went into effect January 1906. This revision consolidates and amends most of the previous laws relating to this subject. The position of the state board is considerably strengthened by this act, as it is given pretty direct supervision over all local boards, can appoint temporary boards, and in case of failure of the local board to act in outbreaks of communicable disease, the state board may act at local expense. The state board is also given power to control by rules, license, or other means, rendering, scavenging, sewage disposal, cemeteries, lying-in houses, baby farms, the pollution of waters, construction of public buildings, management of contagious disease, vaccination, nuisances and the registration of vital statistics.

The importance and influence of the central board of health in several other states have been increased by the duties imposed upon it in relation to the registration of vital statistics, the control of communicable diseases and the supervision of water supplies, as will be hereafter noticed.

Local authorities. There was not much legislation relating to local sanitary organization. Nevada ('05 ch.42), where there had previously been no provision for local boards of health, established ex officio county boards to consist of the county physician, the sheriff and the board of county commissioners. These boards have

very considerable legislative and executive power. In North Dakota ('05 ch.52) the trustees of villages are to constitute the local board of health. New Jersey ('05 ch.66), which is rather out of the fashion in preferring large boards of health, enacted that in cities organized under chapter 168 of 1903 the board shall consist of seven members to serve for four years each.

In Indiana ('05 ch.129) a board of health is made mandatory for all cities, and its powers and duties are set forth. In most respects this act is like a former act establishing a department of health in cities of 100,000 inhabitants and over.

In Minnesota, by a revision of the statutes, counties were authorized to form boards of health to consist of two members of the county board and one resident physician, to have jurisdiction over all unorganized towns therein. And again township boards of health are to control sanitary matters in villages where there is no board of health.

Vital statistics. There was more important legislation relating to this subject in 1905 than in any previous year. The most complete of any of the laws was that relating to the registration of births and deaths in Pennsylvania ('05 ch.221), which hitherto has had the poorest registration of any of the Eastern or Middle States. The Commissioner of Health is to have the general supervision of registration, but a state registrar is appointed to have immediate charge of the work. His term of office is four years, and his salary \$2500. A local registrar and deputy and subregistrars are appointed by the central authority for each political unit. Physicians, midwives and undertakers are to register with the local registrar. To secure the registration of deaths it is provided that no dead body shall be disposed of until a permit has been obtained from the local registrar, and that this permit shall not be issued until a certificate of death has been filed. The form and contents of the certificate are prescribed and by whom it shall be filed. It is substantially the form prescribed by the federal government. Very specific directions are given in the act to the physician as to how the cause of death shall be stated. The mode of obtaining certificates in cases of death without a medical attendant is also provided for. An excellent provision is that all institutions are to obtain from every person admitted all the data necessary to fill out the certificate. As a check upon the undertakers, sextons are forbidden to inter a body without obtaining the permit from the undertaker and these permits are returned to the local registrars. Physicians and midwives, or if none are present

the parents, are to report births within 10 days. The form of return, an excellent one, is prescribed, and provision is made for securing the names of children unnamed at the time of making the return. Stillbirths are to be returned both as births and as deaths. Returns of deaths and births are to be made with unfading ink and are to be copied by the local registrar on similar forms and preserved, and the originals sent monthly to the state registrar. They are to be bound by the latter and kept in fireproof vaults and a card index provided. The registrars are to be paid 25 cents for each return, but physicians and undertakers receive no fees.

Registration in California ('05 ch.110) also was put on a better footing, for births and marriages are now to be promptly reported to the county recorder, copied by him and forwarded monthly to the State Registrar, by whom they are preserved. Provision is made for correcting and completing records. Another act ('05 ch.119) provides for an efficient registration of deaths. Almost all the features of the Pennsylvania law are here found, such as provision for permits for burial, etc., standard certificates, duties of physicians, undertakers and sextons, and for local and state records, and in addition to these the correction of the returns. Colorado ('05 ch.127) has greatly improved the law for the registration of births by requiring that the returns shall be made within 10 days after each birth instead of quarterly as formerly.

In Connecticut a number of minor additions and amendments were made relating to legibility ('05 ch.11), the ink used ('05 ch.16) and mode of preserving records ('05 ch.14). The provision that physicians are not to use the term "heart failure" on death returns was explained and amplified ('05 ch.21). It was also provided ('05 ch.153) that when vital records relate to residents of another township copies shall be sent to that township.

Michigan already had an excellent law for the registration of deaths and in 1905 provided for the registration of births by an act ('05 ch.330) which is likely to give even better results than the Pennsylvania law. In addition to the essential features of that law, requiring prompt returns of births by physicians, etc., in Michigan the tax assessors are to make an annual enumeration of births. Such enumeration has in some of the New England States been found to supply a very considerable number of returns which would otherwise be lost. Local and state records are provided for, and also an excellent method of correcting and completing them. Besides the local record in the township, a transcript is to be sent to the county recorder.

Nebraska ('05 ch.98) provided for the registration of births and deaths. The act has the essential features of a good law, permits before burial and the immediate registration of births, the recording of stillbirths, the appointment of local registrars, the use of standard forms and central control by the State Board of Health. Though not as elaborate as the Pennsylvania law, if properly administered it ought to give excellent results.

Utah also enacted an excellent registration law ('05 ch.120) for births and deaths, embodying substantially all the important features of the best legislation. The original certificates are to go ultimately to the State Board of Health, which is to administer the law.

The South Dakota law ('05 ch.63), while requiring the immediate report of births and burial permits, is not in some respects as satisfactory as the other laws, for instance in prescribing the details of the returns and of the records. It also has other differences necessitated doubtless by local conditions. Thus the state registrar is the secretary of the State Historical Society, burial permits are issued by justices of the peace, and a fee of 25 cents is paid to him by the county for each permit. The physician is to make out the entire certificate of death and to receive for it 25 cents, and the same fee for each return of birth.

The Vermont registration law was revised in several minor particulars ('04 ch.140), the marriage law was embodied in it, and the towns were required to index all their vital records ('04 ch.141). In New Hampshire the registrar was to complete the state records ('05 ch.21). In Wisconsin the general registration law was amended in minor particulars ('05 ch.416), the health officers of cities and the clerks of villages were made registrars ('05 ch.208), the State Board of Health, instead of the Secretary of State, was placed in charge of registration, and ministers were given a fee of 25 cents for each return of marriage. In most of the states the recording officers are to receive 25 cents for each return recorded, but in California it is 10 cents, and in Utah the compensation is \$3 a day.

Licensing of physicians. The states of the Union had previously very generally provided for the licensing of physicians, so that during 1905 only one entirely new act was passed, namely in Nevada ('05 ch.63). This follows the lines of ordinary legislation on this subject, establishing a board of five physicians representing different schools, appointed by the Governor, fixing as requirements for a license a diploma from a recognized college or examination, defining the terms of the act, providing for state reciprocity and for refusing

and revoking licenses to practise. In Colorado ('05 ch.135), Vermont ('04 ch.133) and Wyoming ('05 ch.45) the laws were revised throughout. In Colorado the examining board is nonsectarian; candidates for a license must submit to an examination; the fee for a license has been raised from \$5 to \$25; the provision for revocation of licenses has been amplified, and osteopaths are exempted from operation of the law. In Vermont the chartered medical societies formerly issued licenses, but this is now done by an appointed board representing different schools; provision for reciprocity is included. In Wyoming examinations are now required and these may be conducted by representatives of different schools of practice. Reciprocity is provided for, and the fee for a license is now \$25. Specific amendments to the laws were made in many other states. Reciprocity, which is the recognition of the licenses of other states, has attracted much interest, and besides Colorado, Nevada, Vermont and Wyoming, above referred to, was provided for in Minnesota ('05 ch.236) and Missouri ('05 p.212). More elaborate provisions for refusing and revoking licenses were inserted in Colorado ('05 ch.135), Michigan ('05 ch.161), Texas ('05 ch.150), Vermont ('04 ch.133), Wisconsin ('05 ch.422) and Wyoming ('05 ch.45). Florida ('05 ch.55) established a state board instead of one for each judicial district. Indiana ('05 ch.115) now has a sixth member on the board of a different system of practice from the others. In Michigan ('05 ch.56) medical students can now take a part of their examinations before finishing their course in the school. In North Dakota ('05 ch.148) candidates for examination must be graduates of a medical college and may be examined in their own system of practice. In Tennessee ('05 ch.111) a physician who has been in practice 10 years in the state and is a graduate of an approved medical college is exempt from examination.

Osteopathy continues to receive much attention. In Colorado ('05 ch.135) osteopaths are exempted from the operation of the law, in Indiana ('05 ch.115) osteopaths are eligible for examination, and in South Dakota ('05 ch.143) they are made subject to the medical practice act. In Montana ('05 ch.51), New Mexico ('05 ch.68) and Vermont ('04 ch.134) entirely new laws were passed. In all three states, boards of osteopathic examiners are to be appointed by the Governor. These acts are on the same lines as the ordinary medical practice acts. The requisites for a license are a diploma from an osteopathic college of prescribed grade and a successful examination in anatomy, physiology etc.,

as well as in osteopathy. A similar act previously in force in Nebraska was amended ('05 ch.95) by inserting the requirement for an examination. The Tennessee act also was revised ('05 ch.255).

Licensing of opticians. In 1905 New Mexico ('05 ch.96) and Oregon ('05 ch.139) were added to the list of states regulating the practice of optometry. These laws are much alike and indeed they bear a close resemblance to the laws regulating other trades and "professions." They usually provide for a board of examiners in optometry appointed by the Governor. No one can practise optometry without a license from the board. An examination is required, but persons who have been practising a certain time, three years in the acts above mentioned, are exempt from examination. The board meets its expenses out of the license fees. Revocation of licenses is provided for. The North Dakota law was amended ('05 ch.142) by the addition of a requirement that applicants for a license must have graduated from an approved school of optometry or have studied two years with an optician or practised two years as an optician outside the state.

Licensing of dentists. Acts governing the practice of dentistry were passed for the first time in Illinois ('05 p.319), Nebraska ('05 ch.96), Nevada ('05 ch.140), Oklahoma ('05 ch.15 art.1) and Texas ('05 ch.97) and the dentistry laws of Vermont and Wyoming were thoroughly revised (Vt. '04 ch.135; Wy. '05 ch.45). These laws all have the same general features. In Nebraska the law is to be administered by the State Board of Health, but this board appoints five dental secretaries, and in the other states by a special dental board appointed by the governor. This board usually consists of five practising dentists, but in Texas the number is six, and in Wyoming three. In Illinois, Nebraska and Nevada they must have no interest in a dental college. More or less explicit directions are given as to the organization and business methods of the board. The members of the board are paid for actual services, usually \$5 a day, but all expenses must be paid out of the fees received. No one can practise dentistry without a license, which is issued by the board. All of the states mentioned require a license fee of \$25. In Illinois, Oklahoma, Wyoming and Texas, dentists who have been practising a certain time before the passage of the law are exempt; in those states all other applicants, and in other states all applicants, must pass an examination, and in Illinois, Nevada, Nebraska and Wyoming a diploma from a dental college or proof of study with a dentist is required. In Nebraska graduates of dental schools in

that state are exempt from examination, but the dental secretaries must be present at the examinations of such schools. Revocation of the license is in most states provided for, and in Vermont and Wyoming there is reciprocity in licenses with other states. The sections relating to definitions and penalties are usually quite elaborate. In seven other states the dental laws were amended in minor particulars. In Connecticut ('05 ch.134) the time of study with a dentist as a condition for registration is increased from three to five years, and interstate reciprocity is provided for. In Oregon ('05 ch.111) persons who have practised in the state five years are exempt from examination. In Massachusetts ('05 ch.289) and Utah ('05 ch.84) it is provided that every member of a dental firm must be licensed. In New Mexico ('05 ch.45) the license has to be registered annually, for which the fee is \$3. In Oregon the clause was repealed which provided that the Dental Board should furnish names from which the Governor should fill vacancies ('05 ch.111). In Washington (*State v. Brown*, 79 P. 635) the provision that whoever owns, runs or manages a dental office must have a license was declared unconstitutional.

Licensing of pharmacists. Pharmacy was the first of this group of trades to be regulated by license, but even now some states are without pharmacy laws. In 1905 such laws were enacted in California ('05 ch.406) and Idaho ('05 p.319) and former laws relating to the subject in Michigan and North Carolina were thoroughly revised (Mich. '05 ch.332; N. C. '05 ch.108). Minor modifications were adopted in several other states. The pharmacy laws are among the most elaborate of licensing legislation and, as is to be expected, the more recent the legislation, the more fully are the details of the subject treated. Perhaps the Michigan law is the most interesting as it represents the results of 20 years' experience in pharmacy legislation. It provides for the appointment and organization in the usual manner of a board of pharmacy. Pharmacists must be 18 years old, have reached the tenth grade in the public schools, served as apprentice two years and passed an examination before the board. The fee is \$3. The license must be renewed annually; fee \$1. Interstate reciprocity is provided for. It is not necessary for the owner of a pharmacy to be licensed if all the compounding is done by a licensed pharmacist. Physicians may dispense their own drugs and, if 5 miles from a licensed pharmacy, may under certain restrictions act as pharmacists. Certain common drugs and insect poisons may be sold by merchants. Licenses may be

refused or revoked for cause. Rules for the sale of poisons and of narcotic drugs are contained in the law, and the board is empowered to require all drugs to conform in strength and purity to the standards of the United States Pharmacopoeia. In California licensed pharmacists are divided into two classes: licentiates who have had five years' experience and have passed an examination, or have had 20 years' experience in a pharmacy; and practising pharmacists, those who at the passage of the act are registered as such. The members of the board must have no connection with a school of pharmacy. The board has power to "regulate the practice of pharmacy, the sale of poisons, the quality of all pharmaceutical preparations," and to prevent adulterations. Rules for apprentices are prescribed. In Idaho a pharmacist must have had four years' experience, be 21 years old and pass an examination; an assistant pharmacist must be 18 years old, have had two years' experience and must pass an examination. In North Carolina the State Pharmaceutical Association is to administer the law.

Licensing of embalmers. New laws were enacted in Illinois ('05 p.388), Massachusetts ('05 ch.473), Minnesota ('05 ch.101), North Dakota ('05 ch.111), Oklahoma ('05 ch.36) and Wisconsin ('05 ch.420), and old laws were amended in several other states. In Massachusetts, North Dakota and Oklahoma a special board of three embalmers is appointed by the Governor, but in the other states the law is administered by the State Board of Health. All of the above states require an examination, with a fee of \$5, and in addition in Minnesota the candidate must have had one year's experience in an undertaker's establishment, in Wisconsin six months', in Indiana ('05 ch.112) and West Virginia ('05 ch.44) one year's and in Pennsylvania ('05 ch.209) two years'. In Massachusetts all who have been practising three years are exempt from examination. Licenses are for one year; but in Minnesota two years. In West Virginia reciprocity is provided for. In Indiana a physician was formerly on the board, but all the members are now embalmers. In Oklahoma territorial institutions are exempt from the provisions of the law, and dead bodies are to be furnished to schools of embalming in like manner as to medical schools.

Licensing of plumbers. In Washington ('05 ch.66) an act was passed in accordance with the usual form, requiring the licensing of plumbers in cities of 10,000 inhabitants or more. The licensing body is a state board consisting of plumbers appointed by the Governor. In Utah ('05 ch.42) city councils are authorized to license plumbers.

Communicable diseases. There was very little legislation on this subject. The most important was in Tennessee ('05 ch.519). This act consists of 16 sections and takes the place of five sections of the Code of 1896. It requires the report of all communicable diseases except venereal, and all cases suspected to be such. Both the head of the household and the physician are responsible. It is made the duty of the local health authority to investigate, and to isolate such cases according to the rules of the State Board of Health, and ample power is given to control ingress and egress and to disinfect, and the house must be placarded. Guards may be set and the family cared for if necessary. The local health authorities may vaccinate when they deem it necessary. Refusal of vaccination is punished by a fine, unless "another physician" certifies that it would "not be prudent on account of sickness." The local authority must notify the schools and the State Board of Health of all cases of contagious disease. If a person has a contagious disease, it is made punishable to go in public. If the local authority fails to act the State Board of Health may step in, and the expenses are to be borne by the municipality or county. The Kansas law, which formerly required isolation in all contagious diseases, was amended by limiting it to smallpox ('05 ch.339). In Colorado ('05 ch.127) all sales of antitoxin are to be reported to the local board of health within 12 hours. In Wisconsin tuberculosis was added to the list of notifiable diseases ('05 ch.192). It was also provided that a person suffering from a contagious disease should not be entitled to entertainment at a hotel ('05 ch.198). By former acts an "epidemic fund" for emergencies was provided in Pennsylvania and Wisconsin, and this legislation was renewed in 1905 (Pa. '05 ch.219; Wis. '05 ch.333). The city of Providence was authorized (R. I. '05 ch.1256) to issue \$175,000 bonds for a contagious disease hospital, but owing to the opposition of landowners a site has not yet been obtained.

As was noted above, in Tennessee ('05 ch.519) local boards of health may compel vaccination. By an act passed in South Carolina ('05 ch.434) the local governments may by ordinance compel vaccination and must provide free vaccination. But the State Board of Health can control and order vaccination and must furnish virus. School children must be vaccinated. In West Virginia the old law offered free vaccination but specified that it should not be made compulsory. Under the new law ('05 ch.58) when smallpox is epidemic the county court shall, on petition of 100 voters, make vaccination compulsory. In Tennessee ('05 ch.519) local boards of health may enforce compulsory vaccination.

In Massachusetts ('05 ch.474) \$50,000 was appropriated for the establishment of a hospital for leprosy.

In Illinois ('05 p.38) and Pennsylvania ('05 ch.68) persons attacked with hydrophobia are to be treated at the expense of the state.

Tuberculosis. In Wisconsin ('05 ch.192) and Utah ('05 ch.55) all cases of tuberculosis are to be reported, and in New Hampshire ('05 ch.17) all deaths or removals of patients with consumption are to be reported, and the apartments occupied by them are to be disinfected.

The sanatorium treatment of this disease is receiving increasing attention. In Indiana ('05 ch.172) and Vermont ('04 ch.142) a commission was appointed to investigate the subject. In Michigan ('05 ch.254) \$20,000 was appropriated for such a sanatorium, in Missouri ('05 p.292) \$50,000, in New Hampshire ('05 ch.92) \$50,000, and in Wisconsin ('05 ch.361) \$90,000. These laws all provide at some length for the management of the institutions, and in Rhode Island ('05 ch.1247) where a sanatorium had previously been built at a cost of \$125,000, a board of trustees was appointed to administer its affairs. As the majority of cases sent to these institutions are able to pay little or nothing, the question of their maintenance is an important one. In Michigan and Wisconsin the poor authorities of the counties may send patients at the county's expense. In New Hampshire the Board of Charities and Correction may send patients and pay for their treatment. In Rhode Island poor patients having a settlement shall be supported by the town, but the trustees may admit other poor patients at their discretion.

In Massachusetts ('05 r.75) \$2000 was appropriated for a tuberculosis exhibition to be given by the State Board of Health, and it was held with success. In Vermont the Sanatorium Commission is to educate the community as to means of preventing tuberculosis, and \$4000 was voted for this purpose.

Nuisances. There was little legislation relating to this subject. In Kansas ('05 ch.109, 120) the laws were amended so as to make it easier to collect from the owners the cost of the abatement of nuisances in cities. In California ('05 ch.340) the State Board of Health was given power to abate nuisances, and in Pennsylvania ('05 ch.218) the Commissioner of Health. In Nevada ('05 ch.105) the sheriff or constable is authorized to abate, at the expense of the owner, nuisances in unincorporated towns; a number of nuisances are specified, and the state and county boards of health may specify others. In Connecticut ('05 ch.201) the towns were authorized to regulate the handling of fertilizers. In Rhode Island ('05

ch.1240) certain offensive trades are not to be located within 300 feet of a park or hospital, and cities are authorized to grant an exclusive franchise for the removal of dead animals ('05 ch.1234).

In New Jersey ('05 ch.80) the director of the Agricultural Experiment Station is, on request of towns, to investigate the breeding places of mosquitos and report plans for the abatement of the nuisance. If the mosquitos breed in salt marshes the towns containing these marshes may appropriate three quarters of the amount necessary for the abatement of the nuisance and the state may furnish the rest up to \$500. Towns may assist each other in this work. \$6000 was appropriated for investigations and \$10,000 for abatement.

The duty of abating the smoke nuisance has in Boston been transferred to the local board of health (Mass. '05 ch.418).

Pollution of water. In California ('05 ch.135) it is made a misdemeanor to violate any rule made by the State Board of Health, for the protection of water supplies. In Pennsylvania ('05 ch.182) plans for public water supplies and for sewage disposal must be approved by the State Commissioner of Health before the operations proposed can be carried out. In Vermont ('04 ch.139) the State Board of Health can now forbid the use of any contaminated water supply.

The gross pollution of nonpotable waters received attention in Maine ('05 ch.77) where it is forbidden to deposit dead fish in such waters, and in Oregon ('05 ch.35) and Wisconsin ('05 ch.402), where the discharge of sawdust and shavings into such waters is forbidden. All existing legislation on water pollution may be found in Water Supply Paper 152 of the United States Geological Survey.

Fire protection. In Minnesota ('05 ch.331) the Governor is to appoint a fire marshal at a salary of \$2500 to investigate the origin of fires. He may enter upon private property and require the owners to remove combustible material. Expenses are defrayed by a tax of one quarter of 1 % on net fire premiums. Connecticut ('05 ch.159) and New York ('05 ch.279) provide a penalty for false alarms of fire. South Dakota ('05 ch.111) amended the law relating to plowing for fire guards against prairie fires.

In New Jersey ('05 ch.185) towns are now given ample authority to prevent fires by regulating building construction and the handling of inflammable material. North Carolina ('05 ch.506) in an act of eight closely printed pages, provides for the appointment of a building inspector in all cities and incorporated towns and prescribes

elaborate regulations for building construction. Vermont ('04 ch.77) also provides for the appointment of building inspectors, but the law only applies to the towns which accept the act. Building regulations are not contained in the statutes, but the towns are given authority to make their own rules. New Jersey ('05 ch.202) townships and villages may establish fire limits and forbid the erecting of wooden buildings and establish rules for construction.

West Virginia ('05 ch.76) framed an entirely new law in regard to fire escapes, and in several other states amendments were made to existing laws. Massachusetts ('05 ch.347) forbids in very explicit terms the obstruction of fire escapes or exits.

As compared with the preceding year there was little theater legislation. A quite elaborate act was adopted in Indiana ('05 ch.166). According to it no building can be erected as a theater or public hall unless satisfactory plans, conforming to the provisions of the law, are filed with the building inspector. Inspection of halls and theaters is directed in Minnesota ('05 ch.319) and fireproof curtains are required for theaters seating over 600. In Massachusetts there were two acts relating to the use of kinematographs ('05 ch.176, 437).

In California ('05 ch.573) it is forbidden to let a lodging house with less than 500 cubic feet of space for each lodger. In Connecticut ('05 ch.178) a tenement house act was passed to apply to all cities of over 20,000 inhabitants and to smaller cities that accept its provisions. In New Jersey ('05 ch.82) the tenement house law was amended in a number of details. Any brief analysis or summary of laws of this character is impossible.

Protection from floods. In accordance with the act of 1904 ('04 ex. sess. ch.4), the New Jersey Legislature created the Passaic river flood district with authority to construct works in its district for protection against floods ('05 ch.218). In New Mexico ('05 ch.3, 88) the territory appropriated sums of money for constructing protective dykes for cities.

Explosives. In California ('05 ch.573, §375a) every one selling high explosives is to keep a record of each sale. In Massachusetts ('05 ch.280) the law relating to the handling of high explosives was entirely revised, and was amended in Michigan ('05 ch.71) and Nevada ('05 ch.101).

In Pennsylvania ('05 ch.33), Rhode Island ('05 ch.1244) and Colorado ('05 ch.102) it is forbidden to sell or use toys containing high explosives, and in Colorado and Rhode Island toy pistols are added to the list. In Wisconsin ('05 ch.140) the sale or manufacture of firecrackers containing high explosives is forbidden.

In Oregon ('05 ch.69) it is forbidden to manufacture or import blasting powder unless the date of manufacture is on the package, and if such material has undergone degenerative change it must not be used.

Boilers and engineers. In Massachusetts ('05 ch.472) a new boiler inspection law was passed which requires that all steam boilers, with a few specified exceptions, shall be inspected by the district police or by a boiler insurance company authorized to do business in the state. The insurance company must report the result of each inspection. In Montana ('05 ch.32) the law relating to this subject, which covers four pages, was amended in very many particulars.

In Nevada ('05 ch.112) the county commissioners are required to license all stationary engineers, and before issuing the license the board must be assured of the licensee's fitness. The license laws of Massachusetts and Pennsylvania were thoroughly revised (Mass. '05 ch.310; Pa. '05 ch.75).

Steamboats and other vessels. In New Hampshire the old law was repealed and a new one enacted. This divides the state into districts, each with an inspector appointed by the Governor. All boats must be inspected and licensed under rules prescribed by the railroad commissioners. The various officers of the vessels also are to be licensed. The act only applies to waters not subject to federal jurisdiction. In Wisconsin ('05 ch.280) municipalities may provide for such inspection. In New York ('05 ch.74) the law relating to life preservers was made applicable to passenger barges. Another act ('05 ch.306) provides for steel stanchions and deck beams for excursion steamers.

FOOD ADULTERATION¹

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The year 1905 has been marked by an unusual amount of legislation regarding the manufacture and sale of foods. In almost all states in which food inspection is maintained, new laws were enacted or old laws amended. In the majority of cases the earlier laws were not materially changed, and in some instances entire laws seem to have been reenacted in slightly different form, but with so little change as to make no apparent difference in the efficiency of the law.

New laws were enacted during the year in Kansas, Maine and Missouri. The law in Kansas merely authorizes the State Board of Health to cause samples to be analyzed by the chemists of the State University and the State Experiment Station, and to publish the results of such analyses. The Missouri law refers to dairy products only. The law enacted in Maine was broad in its provisions and similar to the majority of those enforced in other states.

In a number of states the legislation enacted during the year gave increased facilities for the enforcement of the food laws. In Indiana a hygienic laboratory was established and officers appointed for the administration of the law. The duties of officers were increased and salaries advanced in several states. In Tennessee the clause requiring the State Board of Health to enforce the law without special appropriation was stricken out, although no provision was made for the enforcement of the law.

There is an apparent tendency in the direction of increasing the stringency of the enforcement of food laws. Fines have been increased in a number of instances. In other cases, the wording of the law has been so modified as to raise the standards previously provided for various articles of foods, and thus prevent the possibility of numerous forms of fraud that have frequently been practised. This is especially true with reference to dairy products. The powers and duties of the officers charged with the enforcement of the laws relating to dairy products have been increased in California, Maine, Missouri, North Dakota, Utah and Washington.

It is apparent in the legislation of the last year, and in the rulings that have been made in accordance with the food laws, that greater attention is now being given than ever before to the question of chemical preservatives and coloring matter in food. The majority

¹See also Governors Messages and Index of Legislation, 956.

of states enforcing pure food laws now either forbid the use of certain specified preservatives or require their declaration on the label of the foods with which they are employed. As in previous years, special attention has been given to the question of unwholesome foods.

The sanitary conditions of dairies have received attention in several states, and the enforcement of laws relating to the adulteration of dairy products has been made more stringent.

Laws forbidding the sale of unwholesome meat have been enacted in seven states. These laws include the flesh of diseased animals, meat that has been treated with deleterious drugs or preservatives, and the flesh of veal that has not attained sufficient maturity.

New York State Education Department

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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 290

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AGRICULTURE (GENERAL)¹

J. I. SCHULTE, UNITED STATES OFFICE OF EXPERIMENT STATIONS

In 1905 laws relating to state boards of agriculture, the collection of agricultural statistics, agricultural associations and fairs, were enacted in 19 states and territories.

State departments. The legislation enacted regarding state boards of agriculture related mainly to appropriations, salaries and expense allowances. In Colorado ('05 ch.133) an amendment was passed to the effect that members of the State Board of Agriculture receive as compensation \$4 for each day of service in addition to being reimbursed for traveling expenses, and that the board may allow its president a salary of \$200 a year. The annual appropriation of the State Board of Agriculture in Connecticut ('05 ch.129) was reduced from \$3500 to \$2500. An amendment enacted by the Legislature of Michigan ('05 ch.93) provides that the report of the State Board of Agriculture, in an edition not exceeding 8000 copies, include among information relative to agriculture in general the bulletins of the Experiment Station and the proceedings of the State Board of Agriculture, of the State Agricultural College and Farm, of the State Agricultural Society, and of the county and district agricultural societies. An amendment was also passed by the same Legislature ('05 ch.308) prescribing that the State Board of Agriculture consist of seven instead of six members, the term of office be six years, and the Governor of the state and the President

¹See also Governors Messages and Index of Legislation, 1826.

of the State Agricultural College ex officio members. This amendment further provides that the Governor appoint three members each six years, and that the vacancies be so filled that at least three members of the board are practical agriculturists.

The General Assembly of Georgia ('05 p.73) increased the salary of the clerk of the Commissioner of Agriculture from \$1200 to \$1800 a year. North Carolina ('05 ch.529) authorized its State Board of Agriculture to fix the salary of the Commissioner of Agriculture not to exceed \$2150 a year. An act was passed in Oklahoma ('05 ch.2 art.1) fixing the annual meeting of the Board of Agriculture at the capital on the third Tuesday in January.

Agricultural statistics. The purpose of laws relating to agricultural statistics was to place the collection of such data on a more thorough and more nearly accurate basis. In California ('05 ch.375) an amendment was passed making it the duty of the Board of County Supervisors to supply the secretary of the state agricultural societies with statistics showing the products annually grown, produced or manufactured in the county. Michigan ('05 ch.81) enacted a law authorizing the Secretary of State to collect such agricultural statistics as he deemed necessary and useful to the agricultural interests of the state. New York ('05 ch.243) empowered the Commissioner of Agriculture to collect and disseminate such statistical information as, in his judgment, tends to promote agricultural production within the state; and further made it the duty of supervisors of the different towns and wards to furnish to the Commissioner of Agriculture, upon his request, information relative to agriculture in their respective towns or wards. The expense of the collection is made a town charge. The Oklahoma Legislature ('05 ch.31 art.2) passed an act providing for the collection of agricultural statistics for the State Board of Agriculture by the county assessors.

Associations and fairs. The legislation relative to agricultural associations and agricultural fairs provided appropriations for the improvement and maintenance of these institutions and, as in previous years, in many states the laws enacted tended to raise the standard of agricultural fairs largely by prohibiting games of chance, the sale of intoxicating liquors, and in general undesirable amusement features. The Connecticut law as amended ('05 ch.79) prohibits liquor selling, gambling and immoral shows at fairs of any incorporated agricultural society. It is further enacted ('05 ch.176) that an annual appropriation of \$4500, a sum equal to the average

annual amount paid to the incorporated agricultural societies of the state during the preceding four years, be distributed among such societies. Each society raising and paying \$100 in premiums on exhibits is to receive \$100 from this appropriation, while the balance of it is to be divided among the societies in proportion to the amount of cash premiums exceeding \$100 paid at the annual fairs held within 12 months previous to such distribution. Any society having declared or paid dividends during the previous four years can receive no portion of this appropriation. An act ('05 ch.191) prohibiting liquor selling, games of chance and improper shows at or near agricultural fairs was also passed, and no society ('05 ch.199) is entitled to its appropriation if this act has been wilfully violated by its officers.

Idaho ('05 p. 350) amended its laws to the effect that county commissioners may appropriate annually when agricultural county fairs are held a sum not to exceed \$500 for the use of the county fair association to assist in defraying the expenses of such fair other than those incurred by races and purses for the same. Indiana passed an act ('05 ch.102) empowering all chartered agricultural societies owning 50 acres devoted to a county fair to issue 4 % non-taxable bonds mortgaged to 75% of the value of the unimproved portion, these bonds to be retired from funds not needed for improvements. An act was also passed ('05 ch.104) authorizing the counties to appropriate for agricultural fairs 1 cent on each \$100 valuation of taxable property. Nebraska ('05 ch.2) amended its laws so that county agricultural societies receiving county aid have the right, with the approval of the district court, to exchange, sell or acquire real estate for fair ground purposes. In case such societies are dissolved or neglect to discharge their duty for two years, the real estate acquired reverts to the county. An amendment ('05 ch.1) relative to county aid to the county agricultural society provides that if such a society, duly organized, raises and pays into its treasury \$50, counties with a population of 30,000 or more shall make available to such society a sum not to exceed 3 cents on each inhabitant; and in counties with less than a population of 30,000 this allowance remains optional with the county board. Any agricultural society of any county paying in cash premiums other than for horse racing double the amount of this per capita assessment is also entitled to the appropriation, and if any county agricultural society fails for two years or more to hold an annual fair of at least 3 days' duration, then any duly organized

agricultural society in the county, fulfilling the requirements of the law with reference to fairs, may apply for and be allowed the amount above designated, if the appropriation has not already been made.

North Carolina ('05 ch.513) increased the state appropriation to aid county fairs from \$50 to \$100, and exempted all shows licensed to perform at county fairs from taxation during fair time. In Oregon the Third Eastern Oregon District Agricultural Society ('05 ch.11) and the Fourth Eastern Oregon District Agricultural Society ('05 ch.67) were established and organized by special acts, and the reestablishment and reorganization of the First Eastern Oregon District Agricultural Society was included in the act establishing the Fourth Eastern Oregon District Agricultural Society. These societies were given authority to hold annual agricultural fairs and were provided with an annual appropriation of \$1500 each.

Wisconsin ('05 ch.446) in order to render state aid to all agricultural fairs definite and uniform, passed an amendment basing all aid on the cash premiums paid. With a few exceptions, each organized agricultural society is to receive from the state a sum equal to 40% of the cash premiums, not exceeding \$3000 nor including more than \$1000 of premiums for trials or exhibitions of speed paid at its annual fair during the preceding year. The annual amounts thus appropriated to the State Board of Agriculture are limited to \$10,000, to the Northern Wisconsin State Fair or the Lacrosse Interstate Fair Association to \$5000 each, and to any county agricultural society or other association or board mentioned in the act to \$1700 each. The moneys so received are to be expended for incidental expenses and for premiums, as stipulated by the law.

Arizona ('05 ch.64) passed an act establishing the Arizona Territorial Fair. Provision was made for the appointment of a commission consisting of three members; their powers and duties were outlined, and an annual appropriation of \$7500 for the purpose of carrying out the provisions of the act, and an appropriation of \$15,000 for the purpose of providing permanent and suitable buildings for the display of the mineral and other resources of the territory were made. The members of the Territorial Fair Commission are allowed \$5 a day for actual service, the total sum not to exceed \$250 a year each, and they are repaid mileage actually expended in traveling in the interests of the fair. California ('05 ch.595) passed an act appropriating \$60,000 to the State Agricultural Society for the purpose of equipping the fair grounds for exposition and state fair uses. The act specifies the different buildings to be constructed

and other improvements to be made, and also prohibits pools, betting and gambling within the grounds or premises under the control of the California State Agricultural Society.

An amendment enacted by the Minnesota Legislature ('05 ch.307) defines what should constitute a membership in the State Agricultural Society. According to this amendment, the State Agricultural Society is comprised of three delegates from each of the county and district agricultural societies, one delegate from each county in the state in which no agricultural society or street fair association exists, honorary members, and two delegates selected by the presidents ex officio of the State Horticultural Society, the State Amber Cane Society, the State Dairymen's Association, the State Forestry Association, the State Poultry Association, the State Bee Keepers' Association, and the Minnesota Stock Breeders' Association, or any other agricultural association within the state. The members of the governing board of said society and its officers are, by virtue of their office, members of said society.

In North Dakota ('05 ch.46) an act was passed establishing and locating a state fair at Grand Forks and Fargo, and making an appropriation of \$10,000, \$5000 of which is to go to the association for buildings and improvements on the grounds at the two places, and an annual appropriation of \$10,000, half of which is to be expended for buildings and the other half for premiums. This annual appropriation is to be paid to the North Dakota State Fair Association for Grand Forks in odd numbered years and the North Dakota State Fair Association for Fargo in even numbered years. South Dakota ('05 ch.8) passed an act making it the duty of the faculty of the State Agricultural College of Brookings to make an exhibit annually at the state fair and made an annual appropriation of \$50 for this purpose. The same state ('05 ch.12) appropriated \$5000 for the erection and equipment at Mitchell of a building providing for the meetings, exhibits and sales of live stock, poultry, cereal grains, and forage plants under the auspices of the South Dakota Live Stock and Poultry Breeders' Association. Wyoming ('05 ch.48) enacted a law creating a board of state fair commissioners, establishing a state fair and regulating its management. The Board of State Fair Commissioners is to consist of five members, receiving no salary, but being allowed their actual expenses while on duty. An appropriation of \$10,000 was made for the improvement of the fair grounds, the erection of buildings thereon, and for premiums and expenses of the state fair for the years 1905 and 1906.

The appropriation for the Connecticut Dairymen's Association ('05 ch.119) was raised from \$1000 to \$1500 a year. In Minnesota ('05 ch.224) an act was passed providing for the printing of 5000 copies of the report of the Minnesota State Horticultural Society and regulating the distribution of the same.

EXPERIMENT STATIONS AND INSPECTION

W. H. BEAL, OFFICE OF EXPERIMENT STATIONS, UNITED STATES
DEPARTMENT OF AGRICULTURE

Experiment stations. A number of states passed laws during 1905 supplementing the federal appropriations for agricultural experiment stations, which provide for additional equipment of the stations or for special investigations of local interest and importance.

California appropriated \$20,000 for investigations on the nature and treatment of pear blight and walnut blight, and for experimental and research work in viticulture ('05 ch.122); \$10,000 for investigations relating to the improvement of the cereal crops of California ('05 ch.126); \$150,000 for the purchase of a farm for the use of the College of Agriculture of the University of California ('05 ch.129); \$30,000 for the establishment and maintenance of a pathological laboratory for the investigation of plant diseases and pests, and for the establishment of branch experiment stations for the purpose of carrying on in connection with the experiment station of the university investigations to ascertain the best methods of horticultural management, the use of fertilizers, irrigation, methods of handling fruits for the market, the introduction of new varieties of fruits, and such other investigations as may be deemed advisable to promote the horticultural interests of the districts in which the branch stations are established ('05 ch.278).

Indiana appropriated \$5000 for the fiscal year ended October 31, 1905, and \$25,000 annually thereafter, for research and investigation in connection with the production of farm products and stock raising, including particularly beef production, dairy investigations, and crop and soil improvement, especially tests of varieties of corn and their adaptability to different soils and sections of the state, and fertilizer experiments ('05 ch.79).

Nevada appropriated \$10,000 to establish an experimental farm in the southeastern part of the state for the purpose of making experiments and diffusing information in agriculture, horticulture and gardening in the semitropical part of the state ('05 ch.39).

North Dakota appropriated \$10,000 for a substation at Dickinson to make experiments with native and other grasses and forage products, as well as other agricultural products of the soil, with a view to improving and increasing the supply of such products under range conditions ('05 ch.21).

South Dakota appropriated \$16,000 for additional land for the experiment station farm at Brookings ('05 ch.18).

Utah appropriated \$8000 for the establishment of a substation in central Utah, and for placing this substation, as well as that of southern Utah, at St George, under the direction and management of the experiment station of the agricultural college at Logan ('05 ch.132).

Wisconsin enacted laws giving the regents of the university authority to undertake experimental work in different parts of the state ('05 ch.53), and appropriating \$1500 a year for three years for experiments in breeding, growing, curing, fermenting and handling tobacco ('05 ch.384), and \$2000 a year for three years for scientific investigations tending to advance the cranberry industry in the state ('05 ch.438).

The legislation of the year with relation to agricultural experiment stations shows two tendencies, (1) a growing recognition of the advisability of state appropriations for the maintenance of substations, thus relieving federal appropriations of this burden, and (2) a disposition to make a number of comparatively small appropriations for specific and local investigations. The first tendency is in harmony with the policy consistently encouraged by the federal government, but it is believed that the second, namely, the enactment of legislation providing for a variety of special investigations, is not as conducive to efficiency of station work as larger lump appropriations under less restriction. Such legislation shows, however, the growing confidence in the stations and the increasing demands upon them by all kinds of agricultural interests.

A species of legislation which it is believed is calculated to seriously interfere with the efficiency of the experiment stations as well as the agricultural colleges with which they are associated, namely, that designed to put all the educational institutions of a state under one board of control, with full power of supervision and direction, was more or less in evidence during 1905. Legislation of this kind was repealed in Minnesota during the year after a demonstration of its impracticability. A similar law has been in force for some time in South Dakota. An attempt to enact such legislation in Iowa fortunately failed.

Commercial fertilizers. Little was done in the way of fertilizer legislation during 1905. In such legislation as was enacted the influence of the recommendations of the standing committees on uniform fertilizer and feeding stuff legislation of the Association of American Agricultural Colleges and Experiment Stations and of the Association of Official Agricultural Chemists is quite evident.

North Carolina, to facilitate prosecution of violators of its fertilizer law, amended it ('05 ch.524) so as to make the certificate of the State Chemist competent evidence in court without his presence as a witness. This state also amended its law regulating the sale of cotton-seed meal in a number of particulars ('05 ch.207), especially as regards the branding of meals containing 8% of ammonia as high grade, and the simplification of the provisions for prosecution and punishment of violators of the law.

The only new legislation relating to fertilizers in 1905 was the Oklahoma law ('05 ch.37 art.1) and the passage of an act in Porto Rico. The Oklahoma law provides for inspection of both fertilizers and feeding stuffs. The sections relating to fertilizers contain the usual provisions for labeling, registering and analysis by the official methods. An annual license fee of \$20 is required for each brand. The Secretary of the Board of Agriculture is charged with the enforcement of the law, the chemical department of the State Agricultural Experiment Station making the necessary analyses for a fee of \$2 for each determination required. Violators of the law are punishable by fine and are liable for damages to defrauded purchasers. The passage of this law brings the total number of states which have provided for fertilizer inspection up to 32, including all of the states east of the Mississippi and California, Kansas, Louisiana, Missouri, North Dakota, Oklahoma and Washington west of that river, as well as Porto Rico.

Commercial feeding stuffs. Somewhat more activity was shown during 1905 in feeding stuff legislation than in fertilizer legislation. Five states and territories, Florida, Illinois, Michigan, Oklahoma and Texas, enacted laws providing for the inspection of feeding stuffs, making the total number now having such laws 19, namely, Connecticut, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont and Wisconsin. Several of the states also made more or less important amendments to existing laws. The influence of the recommendations of the standing committee on uniform fertilizer and feeding stuff legislation of the Association of American Agricultural Colleges and Experiment Stations is clearly seen in the laws enacted during the year, especially in the clearer definition of the materials subject to and exempt from inspection, simpler and clearer statements on the labels which are required to be attached to packages of feeding stuffs, and the requirement that the methods of analysis recommended by the Association of Official Agricultural Chemists shall be used.

The main features of the recommendations of the committee referred to are: (1) a direct appropriation for the expenses of the inspection; (2) the exemption from inspection of hays and straws and whole unmixed seeds, such as wheat, rye, barley, oats, Indian corn, buckwheat, broom corn, peas, and the unmixed meals of the entire grains of such seeds and the inclusion under the term "concentrated feeding stuffs," subject to inspection, of linseed meals, cotton-seed meals, cotton-seed feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, dried distillers' grains, malt sprouts, hominy feeds, cerealine feeds, germ feeds, rice meals, oat feeds, corn and oat chops, corn and oat feeds, corn bran, ground beef or fish scraps, condimental foods, poultry foods, stock foods, patented proprietary or trademarked stock and poultry foods, and all other materials of a similar nature, and where practicable the by-products from the milling of wheat, rye and buckwheat should be included under the requirements of the laws; (3) a statement on each package (and also to be filed with the official inspector) of net weight per package, the name and address of the manufacturer or importer, the name, brand or trademark under which the article is sold, and the guaranteed analysis showing the percentage of crude protein and of crude fat and a maximum of fiber which shall not be exceeded; (4) determinations of crude fiber, crude protein and crude fat by the official methods of the Association of Official Agricultural Chemists; (5) fines only for violation of the law.

Of the laws enacted during 1905, that of Florida ('05 ch.81) is rather detailed and complicated in its provisions. The materials subject to inspection are substantially those recommended by the committee and noted above, the list varying only in minor details. The same is true of the label which is to be used on packages, except that the guaranteed analysis must show percentages of fat, protein, starch and sugar "with a statement of the commercial value of each ingredient, which valuation shall be uniform and not above the real value of such ingredient." A tonnage tax of 25 cents is imposed. The inspection is intrusted to the State Chemist and his assistants under the general direction and supervision of the Commissioner of Agriculture of the State, with whom all feeding stuffs offered for sale must be registered and who issues certificates of analysis and tags for labeling packages. Violations of the law are punishable by fines, and a defrauded purchaser may recover damages from the seller. The amount which may be used to carry the law into effect

is limited to \$2900 a year, all funds derived from the tax over and above this amount going into the state treasury. The law also contains provisions by which individual purchasers may have samples analyzed, and in case of dissatisfaction on the part of the manufacturer with the State Chemist's analysis another analysis may be made by any chemist upon whom the Commissioner of Agriculture, the State Chemist and the manufacturer shall agree.

The briefer Illinois law ('05 ch.393) contains the usual provisions regarding labeling materials subject to inspection and penalties for adulteration and violations of the law. It requires a license fee of \$25 for each brand and a guaranty of percentages of protein, crude fiber and crude fat as determined by the official methods, and intrusts the inspection to the State Food Commissioner. The license fees are constituted a fund for the enforcement of the act. Some of the materials included in the list of products subject to inspection which require special mention are peanut, meat and bone, and clover and alfalfa meals.

The Michigan law ('05 ch.12 §18), which is a section of the law providing for the State Dairy and Food Department, and defining its duties, makes the usual provisions for labeling, registration and analysis by the official methods, including determinations of crude protein, crude fiber, nitrogen-free extract and ether extract. The materials subject to inspection are substantially those recommended by the committee on uniform legislation, except that the list includes clover meals and slaughterhouse waste products in general.

The Missouri Legislature ('05 p.171) amended the state law relating to the inspection and weighing of hay for storage or sale.

The North Carolina law ('03 ch.325) was amended ('05 ch.332) to define more specifically the materials subject to and exempt from inspection and the weight of standard packages, to include condimental feeds, to provide for registration with the Commissioner of Agriculture, and to provide further penalties, especially imprisonment, for violations of the act.

The Oklahoma law ('05 ch.37 art.1) follows closely the lines of the more recent laws in other states, and like them embodies the main features of the recommendations of the committee on uniform legislation. An annual license fee of \$20 for each brand is required and the Secretary of the Territorial Board of Agriculture is charged with the enforcement of the law, the State Agricultural Experiment Station making the necessary analyses, by the official methods.

The Pennsylvania law ('01 ch.78 §2) was amended during the year ('05 ch.212) to define more specifically the materials subject to inspection, which are now substantially those recommended by the committee on uniform legislation.

In the law passed by Texas ('05 ch.108), which contains the usual features of more recent feeding stuff legislation, the director of the State Agricultural Experiment Station is named as the official inspector, a tonnage tax of 25 cents is required, and increasing fines are provided for repeated violations of the act. The most notable feature of the list of materials subject to inspection is the variety of rice products included. The determinations (by official methods) of protein and crude fat only are required in analyses and guaranties.

Washington enacted a law ('05 ch.101) which provides for a limited inspection of feeding stuffs. This law prohibits under penalty of fine and imprisonment the adulteration of "any kind of meal or ground grain used for feeding farm live stock with milling or manufacturing offals or any other substance" without plainly labeling, and makes the State Dairy and Food Commissioner, the chemist of the State Agricultural Experiment Station, the State Attorney General, and county prosecuting attorneys responsible without additional compensation for the enforcement of the law.

The Wisconsin law ('01 ch.377) was amended ('05 ch.143) to include revised lists of materials subject to and exempt from inspection. This amendment, like others of similar character in other states, is of significance as showing the rapid increase in the number and variety of commercial feeding stuffs, especially of factory by-products, and the consequent need of keeping the purchaser informed as to their character and quality and protecting him from fraud in purchase. It is also a notable fact that all of the laws enacted in 1905 recognize the large and increasing use of meat and blood meal, meat scrap, and similar slaughterhouse by-products as feeding stuffs by including one or more of them in the lists of materials subject to inspection.

Fungicides and insecticides. To existing legislation on these subjects have been added during the year by the North Dakota Legislature laws providing for the inspection of formaldehyde ('05 ch.7) and paris green ('05 ch.9). The former is the first law of its kind and was rendered necessary by the general and extensive adulteration of formaldehyde, which is beginning to be widely used as a fungicide, especially for the treatment of smut of oats and wheat and similar plant diseases common in grain growing regions. The law requires that before the material is offered for sale in the

state samples must be submitted to the director of the State Experiment Station with guaranty of weight of package, percentage of formaldehyde, etc., and a certificate of compliance with the requirements must be secured from the director and chemist of the station. Formaldehyde preparations must contain 40% by weight of formaldehyde and those containing less than 38% are deemed adulterated. The law to prevent adulteration of paris green is one of several similar laws enacted by different states for this purpose. It provides for registration with the director of the North Dakota Agricultural Experiment Station; a guaranty of 50% of arsenious oxid, not more than 4% of which shall be uncombined; and certification by the director and chemist of the station. No tax or fee is required in either law.

FARMERS INSTITUTES¹

JOHN HAMILTON, FARMERS INSTITUTE SPECIALIST, UNITED STATES
OFFICE OF EXPERIMENT STATIONS

Changes occurred in farmers institute legislation in 13 states. Of these the Legislatures of Florida, Texas and Washington failed to renew appropriations for their maintenance. The work, however, will not be discontinued as money for their support will be provided by the Boards of Regents of the Agricultural and Mechanical Colleges in these states under whose direction the institutes have been conducted.

In California the new act ('05 ch.251) continues the appropriation of \$12,000 to the university for the two fiscal years beginning July 1, 1905. The Legislatures of Colorado and Oregon for the first time recognized the institute work. In Colorado the act requires the holding annually of an institute in each county and appropriates \$4000 for their support ('05 ch.30). Oregon appropriates to the Board of Regents of the State Agricultural College \$2500 a year for holding agricultural institutes, giving the board power to fix the dates and places and to employ persons to oversee and conduct the work ('05 ch.34).

The most advanced and comprehensive legislation, however, were the two acts passed by the Legislature of South Dakota ('05 ch.109, 110). The first is an act directing the payment of the expenses of maintaining farmers institutes in counties where they shall be held, and provides that not exceeding \$200 a year shall be paid by the county commissioners to the farmers institute organization with a board of five trustees, which shall hold annually at least one farmers institute. The other relates to the organization and support of a state farmers institute board, composed of the president and two members of the Board of Regents of the Agricultural College. The board has authority to hold farmers institutes at such times and in such places as it shall deem best, and to employ such instructors as may be needed for the proper presentation of the various agricultural subjects before the institutes. For meeting the expenses of the work \$5000 annually is appropriated.

The tendency towards securing greater permanency in the institutes and for increasing local interest is exemplified in the action of the Legislature of Nebraska in providing for the creation and support of county institute organizations ('05 ch.3). A sum not to exceed \$100 in any one year is authorized to be expended by the

¹ See also Governors Messages and Index of Legislation, 1829.

county commissioners to be paid to any farmers institute organization having a president, a secretary, a treasurer and an executive board consisting of not less than three members and a signed membership of not less than 50 actual farmers. The act also provides that no institute shall receive the benefits of this assistance unless conducted under the authority and with the cooperation of the University of Nebraska.

In North Dakota ('05 ch.23) the appropriation for institutes was increased from \$4000 to \$6000 a year, and the number of institutes required to be held annually from 40 to 50. Indiana increased her appropriation to farmers institutes from \$5000 to \$10,000 annually, and Illinois recast her institute law by omitting the appropriation for circulating libraries, this work having been provided for by transfer to another department of the state government.

The United States Department of Agriculture, through the Farmers' Institute Division, revised Bulletin no. 135 of the Office of Experiment Stations entitled, *Legislation relating to Farmers' Institutes in the United States*, bringing the corrections and additions down to September 1905.

HORTICULTURAL DISEASES AND PESTS¹

E. P. FELT D.SC., NEW YORK STATE ENTOMOLOGIST

Two states, Utah ('05 ch.98) and Wyoming ('05 ch.50), have each created a state board of horticulture charged with safeguarding their general horticultural interests, giving particular attention to nursery and orchard inspection. The former performs this work through county inspectors, the latter by means of inspectors from each district, who may be selected with reference to their practical experience in horticulture and may also be members of the board. California ('05 ch.293) has amended her horticultural law to include noxious weeds, specially the Russian thistle or salt-wort. Vermont ('04 ch.15) provides for an annual appropriation of \$500 for the State Horticultural Society. Several states previously without adequate nursery inspection laws have passed general acts controlling the growth, sale and distribution of nursery stock. Maine ('05 ch.29) in addition to the usual requirements specifically mentions in its law the gipsy and brown tail moths. Michigan ('05 ch.91) has amended and strengthened the general horticultural law relating to the inspection of nursery stock and control of insect pests and fungous diseases affecting fruit tree interests. An amendment makes obligatory the appointment of township, village or city inspectors upon the discovery of infestation by the specified insects or fungous diseases. These inspectors are practically local agents of the State Inspector of Orchards and Nurseries and under his general supervision exercise nearly the same powers. Oklahoma ('05 ch.5) requires nurserymen and dealers to obtain permits to do business from the Board of Agriculture and compels agents representing a firm to hold a certificate stating that they are duly authorized to represent such nursery, and guaranteeing any written contract entered into by them. Wilful misrepresentation of nursery stock is declared unlawful. Tennessee ('05 ch.466) in addition to the usual provisions requires nurserymen to register and declares that uncertified stock coming into the state shall be liable to confiscation. The State Board of Entomology, composed of the Commissioner of Agriculture, the State Entomologist and the Plant Pathologist, are authorized to promulgate suitable rules and regulations. The general nursery laws enacted by Pennsylvania ('05 ch.60), South Dakota ('05 ch.131) and Texas ('05 ch.121) follow closely the requirements of nursery laws now in force in the eastern United States.

¹See also Governors Messages and Index of Legislation, 1844.

Florida ('05 ch.180) has passed an act providing for the protection of citrus fruit interests in Orange county from white fly and San José scale in particular, through a commission appointed by the county commissioners, on petition of 25 freeholders of citrus grove property in that county. The qualifications of the horticultural commissioners are prescribed and they are given large discretionary powers in abating these pests, the expense of the work to be a lien on the property treated.

Gipsy and brown tail moths. Massachusetts ('05 ch.381) declares gipsy and brown tail moths in all stages public nuisances. The law compels the destruction of these insects by city and town officials under the direction of a state superintendent, and makes provision for the partial reimbursement of the cities and towns. Failure on the part of a city or town to comply with the directions of the Superintendent renders the community liable to a fine of \$100 a day, the fine to be collected by the Attorney General in the Supreme Judicial Court for Suffolk county. Cities and towns are not required to expend more than $\frac{1}{8}$ of 1% of the assessed valuation, except where the assessed valuation is greater than \$6,000,000. The Superintendent, in the case of the latter, is given discretion to order further expenditures provided that they shall not exceed in any one year $\frac{1}{8}$ of 1% of such valuation. Provision is made for a total reimbursement by the commonwealth, in the discretion of the Superintendent, for any excess over $\frac{1}{8}$ of 1%, except in towns where the assessed valuation is over \$6,000,000, when the amount refunded may not exceed 80% of the excess. Richer cities and towns expending an excess of \$5000 are entitled, in the discretion of the Superintendent, to a reimbursement of 50% of such excess. Local authorities may serve notice on property owners, requiring the insects to be destroyed within a certain time provided the cost of such work shall not exceed $\frac{1}{2}$ of 1% of the assessed value of the property. Should this be impossible, the order may be restricted to certain portions of the property. City or town officials, subject to approval by the Superintendent, are authorized upon failure of landowners to comply with orders, to enter upon the premises, perform the work and assess the expense upon the infested property provided such expense does not exceed $\frac{1}{2}$ of 1% of the valuation. The value of special benefits resulting from exterminative work against these insects may be assessed upon the property benefited provided it does not exceed $\frac{1}{2}$ of 1% of the total valuation. Provision is made for review of all acts by the Superior Court for the county in which the land lies and for the

abatement of assessments if the same can not be met on account of age, infirmity, poverty or other cause. The bill appropriates \$300,000 for a period of two years. The states of New Hampshire ('05 ch. 18) and Maine ('05 ch.96) authorize cities and towns to raise money to exterminate or control gipsy and brown tail moths and other insect pests.

Beneficial insects. Massachusetts ('05 ch.381 §9) in connection with the work for suppressing the gipsy and brown tail moths, authorized an annual expenditure of \$10,000 in three successive years for experimenting with parasites or natural enemies of these moths. This work has been undertaken in cooperation with the United States Bureau of Entomology, which also has at its disposal a certain amount for investigations of this character.

California ('05 ch.200) encouraged by earlier successful work with parasitic insects has, on the recommendation of Governor Pardee, appropriated \$12,000 to be used by the State Horticultural Commission in searching out beneficial insects. The special object of this investigation is to find an effective parasite of the codling moth. The Governor further urges cooperation between California and Mexico with a view to discovering some means of combatting the Morelos orange maggot in Mexico and at the same time prevent its introduction into California citrus orchards.

The control of injurious insects by searching out, importing and distributing natural parasites is the most logical, if not always the most effective method of checking these depredators. Investigations of this character must necessarily be more or less speculative in nature, since it is impossible to be certain of obtaining efficient parasites. This work can be conducted only by those possessing peculiar qualifications both natural and acquired, and from the nature of the case it is essential that such studies should be continued over a series of years. The brilliant results following the importation of a natural enemy of the cottony cushion scale which, in the early 80's, threatened the destruction of the California citrus fruit industry, and the magnificent development of the fig industry made possible by the importation in more recent years of the peculiar, minute fig insect, give some idea of what may be accomplished in this direction. Many introduced species have already become well established in this country and not a few must be ranked among our most injurious pests. The process of introduction is still in progress and this condition suggests the advisability of extended and comprehensive studies of the parasites and other natural enemies of insects, particularly in foreign countries.

Ginseng. Growers of this root have been protected in several states, Michigan ('05 ch.74) and North Carolina ('05 ch.211) by special enactments imposing heavy penalties, and Wisconsin ('05 ch.194) prohibiting the digging of ginseng, except by the owner, between January 1 and August 1, and imposing a penalty of \$5 to \$20 for violation thereof.

Résumé. There is a marked tendency toward making the horticultural requirements, specially those relating to the inspection and shipment of nursery stock, as nearly uniform as possible, and several states previously unprotected by such enactments have passed laws of this character. The recent legislation in the Eastern and Middle States conforms largely with the New York standard, while a few of the Eastern States tend to adopt the type which has found favor on the Pacific coast.

The extensive depredations and great spread of both gipsy and brown tail moths in the New England States have resulted in the enactment of legislation by Massachusetts providing for suppressive work through cooperation of state and local authorities, while several other states have legalized appropriations by cities and towns for the suppression of these and other insect pests. These conditions have also resulted in considerable appropriations for the investigation of the insect enemies of these pests, while California, with her previous experience with parasitic and beneficial forms, has made a special appropriation, largely for the purpose of obtaining efficient parasites of the codling moth. The increasing depredations of imported insects and the possibility of finding efficient natural checks in their native haunts, makes advisable large annual appropriations for investigations of this character. Obviously, these studies should be on a broad basis and continued for a series of years. The control of this work should be in the hands of parties familiar with parasitic and predaceous insects and their economic relations throughout the world.

DOMESTIC AND NOXIOUS ANIMALS¹

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Domestic animals

As in previous years legislative attention has been given chiefly to the encouragement of live stock industry, impounding, fences, estrays, damages, ownership, sale, and the prevention of injury to live stock by dogs, etc. In Arizona ('05 ch.51) the Live Stock Sanitary Board consists of three men actually engaged in, or having had experience in, the live stock industry. This board, through its agents or inspectors, exercises general supervision of the health of animals in the state, takes charge of animals in case of an outbreak of serious infectious diseases, regulates the transportation of animals by railroads with particular reference to the possible spread of disease in this manner, and also has general charge of the registration and inspection of brands. The importance of grazing in forest reserves has been generally recognized for many years and in California ('05 p.1074) a special commission was appointed to secure evidence regarding the raising of cattle in the forest reserves for the purpose of obtaining further concessions along this line.

Running at large. In Arizona ('05 ch.52) a legal fence was defined as being 50 inches high and consisting of not less than five barbed wires firmly attached to posts not more than 20 feet apart. It is also provided that upon the requests of a majority of taxpayers in any district where grazing is the chief industry and where fence laws would be prejudicial to their interests, the fence requirements may be omitted. Similar provisions were made in Delaware. In Georgia, provisions were made for special elections to determine whether stock laws shall be put in force in different districts of the state. A similar enactment was made in Missouri in reference to counties which border along navigable rivers. In Oregon ('05 ch.223) a special act was passed for Sherman county making it unlawful to allow domestic animals to run at large within this area. Occasionally legislative attention is given to the comfort of animals on the range. Thus in Utah ('05 ch.39) it is required that horses, cattle and sheep shall be salted if they are maintained on the public ranges of the state. It is prescribed that horses and cattle shall be provided with salt to the extent of at least 5 pounds a head, and sheep 1 pound a head a year. This is partly due to the fact

¹See also Governors Messages and Index of Legislation 1144, 1856, 1875.

that when not provided with salt animals search for alkali as a substitute and are sometimes injured by consuming large quantities of alkali and earth. In Washington also ('05 ch.91) an act has been passed prohibiting live stock from running at large except in such parts of the state, particularly in the eastern half, where the grazing interests are supreme and where the establishment of fences for all animals would work hardship upon their owners.

Estrays. It has been found necessary not only to protect property owners against animals which may graze upon the premises when not under the control of their owners, but also from a deliberate grazing of sheep under the management of herders. In the management of sheep it is often necessary to drive them long distances across country, but in order to avoid violating the trespass law of Arizona ('05 ch.62) it is necessary that sheep and goats be made to travel at least 3 miles a day in the direction of their destination. The protection of property owners against the trailing of sheep and against other stray animals has also received the attention of the Legislatures in California, Florida, Idaho, New Mexico, North Dakota, Oregon and Washington. In Florida ('05 ch.46) the owners of stray cattle are not allowed to enter another man's pasture into which the animals may have wandered without at first securing the consent of the owner of the pasture. While in order to abate the nuisance of stray animals it is necessary to give citizens the right to impound them, it has also been found necessary to provide against the possible misuse of this authority, and to this end it is required that immediate notice be published of the taking up of the stray animals. In the western range states where brands are used it is required (Or. '05 ch.176) that the notice of the taking up of an estray shall contain a description of the brand, and since brands are recorded, this notice may be at once sent to the owner of the animal. In Washington ('05 ch.23) it is provided that any person may register an estray in any month of the year but that no charges may be allowed the finder for taking or keeping such animals except between the months of October and May.

Impounding. Considerable trouble has been experienced in the management of pounds and it has been found necessary to further define the duties of pound masters in Illinois, Missouri and New Mexico. In Illinois, the commissioners are required to establish a pound near the center of each township or voting district. In Missouri, it is made the duty of the constable of the township upon notification of the presence of stray animals to restrain them in the

pound and exact proper fees for this service. In New Mexico, animals found damaging cultivated fields are to be turned over to the local justice of the peace, who holds such animals until the damages are satisfied.

Ownership, sale and miscellaneous matters. In order to improve the condition of live stock one of the most important matters consists in the proper regulation of the quality of the breeding stock. The existence of scrub or low-grade male animals on the open range or without restraint, is therefore a menace to the best interests of live stock raisers. In California ('05 ch.518) a penalty has been provided against giving liberty to male animals under these conditions. The further protection of the stock interests in the Western States has been provided for by requiring the registration of brands of animals before shipment from the state. In Wisconsin ('05 ch.116) an important law was passed regulating the public service of stallions. It is required that all owners of stallions intended for service in Wisconsin shall furnish the name, description and pedigree of each stallion to the College of Agriculture of the University of Wisconsin. A license certificate is issued by the university, and this is the only certificate which it is permissible for the owner of stallions to exhibit. The pedigree of each stallion submitted for service is examined by the authorities of the State University and passed upon by them. The purpose of the law is to secure only the highest grade of stallions for service in the state and in that way to improve the quality of horses raised by farmers.

On the public ranges the only evidence of ownership of animals consists in the use of a brand. It has, therefore, been found necessary to require that each stock grower use one and only one brand for cattle and also for horses, mules, sheep or other animals which he may raise. This brand must be properly recorded and can not be changed except by the permission of state authorities. In order to prevent the stealing and illegal sale of stock, it has been found necessary in Idaho ('05 p.369) to require the inspection of live stock before it is removed from the state and also the recording of the brands found on animals presented for shipment out of the state. New Mexico ('05 ch.95) has provided that any animals found in the territory bearing an unrecorded brand may be seized and held until ownership is proved, after which a regular brand, properly recorded in the brand book, must be used.

Stealing and driving animals. In the states and territories where brands are used to determine ownership, it has been found desirable to require that all persons who slaughter animals for meat without

the required butcher's license should be required to preserve the skin of beef animals subject to inspection for a period of 20 days or more. The brand upon the skin obviously serves as a recognition mark of ownership. In North Dakota ('05 ch.80) a special tax has been placed upon live stock for the creation of a fund to be expended for the protection of live stock owners against theft. The expense of securing evidence against thieves under range conditions is considerable and since such depredations affect only live stock raisers, it was thought wise to place the expense of detection and prosecution upon live stock owners. In this way the owners of live stock themselves become more actively interested in the protection of their animals. In South Dakota ('05 ch.57) county beef and hide inspectors have been provided for, with the duty of examining the hides of animals presented for slaughter and bearing brands recorded in the brand books. Similarly in the case of shipment of horses it is necessary for brand inspectors to examine the brands before the animals are allowed to be transported out of the state.

Pedigrees. In Maine ('05 ch.83) it is required that the assessors of all cities and towns keep a complete record of all pure-blood cattle which are maintained for breeding purposes and that a report be made annually to the cattle commissioners. All owners of pure-blood cattle are required to furnish a report to the State Cattle Commissioners of the number of pure-blood cattle which they have, their pedigree and a certificate of health, or a tuberculin test. In this way it is believed possible for the state to control not only the quality of breeding animals but their healthfulness. Similarly in Vermont ('04 ch.150) it is required that the owner or keeper of each stallion intended for breeding purposes in the state shall furnish a certificate, under oath, describing the animal, giving the pedigree and a statement of its healthfulness. In Wisconsin ('05 ch.68) it is provided that the Secretary of the United States Department of Agriculture shall be considered as the proper person to indicate competent associations for the granting of certificates and pedigrees in the case of pure-blooded stock. Registration of such stock and their pedigrees must be kept on record by state authorities and no other certificate of registration can be used by the owners of breeding stock. It is further provided that it shall be unlawful for any person to sell horses or other animals as pure-blooded stock unless the certificate of registration has been issued in accordance with the state law.

Injury to stock and dogs. New laws or amendments relative to rewards for killing dogs which are found to attack sheep, dog taxes or registration of dogs were passed in Massachusetts, Pennsylvania, North Carolina, West Virginia, Wisconsin and New York.

Communicable diseases of animals

In nearly all states and territories a recent tendency is observed in the Legislatures to recognize the importance of the control of animal diseases. To this end numerous laws have been enacted bearing naturally in all cases chiefly upon the local problems and carrying a local color but all showing a pronounced tendency toward cooperation as a necessary means of eradicating infectious animal diseases. One of the important means recognized by the Legislatures as desirable in securing such results consists in requiring the immediate notification of a live stock board, state veterinarian, or other sanitary officer in case of the outbreak of any serious infectious disease. The live stock board and sanitary officers are also put under obligation to take immediate measures to control such outbreaks. This appears to be the most effective way of checking animal plagues, since the attention of all persons concerned is called specifically to the danger of allowing such diseases to exist without any attempt to eradicate them. By means of such legislation we have arrayed in cooperation against animal diseases, state veterinarians and other sanitary officers who are supposed to be qualified to diagnose such diseases and apply the most approved line of treatment, and the farmers themselves, who are directly concerned and have a financial interest in the prompt eradication of the outbreak. Thus in Arizona ('05 ch.51) the territorial law regarding the control of animal diseases has been amended so that punishment is provided for the wilful concealment of the existence of infectious diseases and for any resistance to the proper officers in the control of such outbreaks. The Territorial Veterinarian is likewise under obligation to put forth prompt efforts to eradicate any infectious animal disease as soon as he learns of its existence. The Live Stock Sanitary Board has power to employ such inspectors and other persons as are necessary in putting effective means of control into operation. Railroads are also enjoined from carrying infected stock from place to place and are required to give notification of disease whenever observed in animals presented for transportation.

Moreover, the recent tendency in legislation along this line is to recognize the necessity of paying reasonable salaries for state and territorial veterinarians in order to secure efficient service in the protection of live stock interests. The same endeavor to secure efficient service is seen in the requirement that live stock inspectors, county inspectors and nearly all of the important officials connected with this service shall be qualified veterinarians, appointed only after their fitness for this work has been determined by a supervisory board. The necessity of requiring adequate qualifications for this work becomes obvious when it is remembered that such inspectors are frequently allowed considerable latitude in their operations and must, therefore, act at their own discretion and upon their own responsibility. It is impossible to prescribe in a state law all the details regarding the execution of such laws and these must be left in the hands of competent persons.

A number of animal diseases, particularly such parasitic affections as mange of sheep, cattle and horses, are controlled by dipping, and the distribution of such diseases is greatly checked if effective dips are used at proper intervals. It sometimes becomes necessary, however, not only to pass laws compelling the dipping of sheep and other animals affected with parasitic diseases but to prescribe the method of dipping in order that it may be effective. Such duties are placed upon the State Board of Stock Inspection Commissioners of Colorado ('05 ch.122). Compulsory dipping is provided for in this law, and if not done the animals are dipped by the state at the expense of the owner. In Georgia ('05 p.121) the Department of Agriculture has been empowered to employ veterinary surgeons in emergency to control the spread of infectious diseases. The Governor of Idaho in his message called attention to the rapid spread of mange among horses and cattle as well as among sheep and recommended the repeal of the law creating the office of sheep inspector and the passage of a law creating the office of state veterinarian, with more general control over all of the infectious diseases of animals. In accordance with this recommendation a law was enacted ('05 p.39) providing for the appointment of a state veterinarian and imposing upon him the duty of investigating and supervising all cases of infectious diseases among horses, cattle, sheep, goats, mules, asses and swine. In some states, as for example Kansas ('05 ch.495) the Live Stock Commissioner, who has general charge of the health of animals in the state, must, according to law, be actually engaged in animal industry in the state. In the case

of serious outbreak of infectious disease among animals, however, he is empowered to establish a quarantine controlling the movements and treatment of such animals and if necessary to employ qualified veterinary surgeons in the further pursuance of his duties.

In some states, state veterinarians and live stock sanitary officers are required to make investigation regarding the condition of animals in various parts of their states, while in other cases they merely act upon the notification of such disease or when called upon by the owners of such stock. In Maine ('05 ch. 51, 83) the Cattle Commissioners are required to take note of the sanitary condition of stables and suggest any needed improvement in their management. The owners of pure-bred stock, especially if such animals are intended for sale for breeding purposes, may very properly be required to furnish a record of all such animals and to have them tested with tuberculin so that they may furnish a certificate of health to the buyer. This is necessary in order to prevent the further spread of tuberculosis and is required in Maine as well as in many other states. The extensive spread of cattle mange on the western ranges made it necessary to take stringent measures in controlling it. Thus in Montana ('05 ch. 7) the Board of Stock Commissioners has been empowered to make examination of the cattle range in reference to the existence of the mange and to mark out infected districts against which quarantine is maintained until all animals have been treated and cured according to the methods prescribed by the board. The duties of the State Veterinarian of Montana have also been enlarged so that at present he must take cognizance of the infectious diseases of sheep, swine and other domestic animals, as well as those of cattle, horses, mules and asses. The same movement is gaining ground in Nevada ('05 ch. 135) where a state veterinarian has been appointed with authority and duty to inspect animals for the possible occurrence of tuberculosis, glanders, anthrax, hog cholera, swine plague and other infectious diseases. He may establish quarantine upon learning of the existence of an infectious disease and may require the application of proper disinfection methods, burning of carcasses, etc., in order to stamp out the disease. Similar legislation has been enacted in New Mexico ('05 ch. 30-31, 49) providing for the prevention and eradication of mange among range animals.

The live stock interests have not only been safeguarded by laws providing for the establishment of quarantine and suitable treatment, but particular mention is made in many of these laws of the special qualifications of officers appointed in charge of the work.

Thus in North Dakota and many other states and territories, it is specifically required that the officials who have to do with the control of animal diseases shall be qualified veterinarians. By making this requirement the assurance is had that the laws will be better enforced and that fewer mistakes will be made which will create antagonism on the part of the owners toward the enforcement of the law. North Dakota, like many other of the range states, has also been forced to take cognizance of cattle mange ('05 ch. 96) and has provided for the establishment and maintenance of public dipping stations. By this means the kind of dip and the method of application can be thoroughly controlled and reasonable fees are charged the owners of stock for such work.

The machinery of the law regarding stock inspection may sometimes be made too complicated so that unnecessary hardship is worked upon the owners of stock. This is specially true where inspection is required before stock can be shipped from one town or county to another within the limits of a state, and the Oregon Legislature found it desirable to permit such shipment without previous inspection. In Pennsylvania ('05 ch. 56, 73, 428) it is now required that all veterinary practitioners must immediately report to the Live Stock Sanitary Board information which they may gain in their ordinary practice of the existence of all serious infectious diseases. In the same law the indiscriminate use of virus for vaccinating animals is prohibited except under the supervision of the Live Stock Sanitary Board. This became necessary on account of the fact that vaccination against tuberculosis and other diseases was being experimented with by unqualified individuals upon animals which were intended for human food.

The great importance to the state of the proper protection of animal industry has been substantially recognized in Pennsylvania by the appropriation of \$30,000 for investigation into the cause, prevention and treatment of infectious diseases of animals. The Live Stock Commission created by a recent law in South Dakota ('05 ch. 133) is required to employ the most efficient and practical means for the eradication of dangerous diseases among animals so soon as information is obtained regarding their existence. The Cattle Inspectors appointed according to this law were not required to be veterinarians, but in case of any dispute between the owner and inspector an appeal may be taken to the nearest Deputy State Veterinarian or to some other qualified veterinarian. The provision is made in this law for the construction of county dipping tanks for the eradication of mange in a manner similar to that adopted in North Dakota.

Quarantine. In the control of contagious diseases quarantine is one of the most effective methods to be adopted. It often happens that the owners of stock among which contagion prevails are careless about the management of such animals and therefore unnecessarily expose other animals on their own premises as well as stock of other people. The California Legislature ('05 ch. 573) has recognized this fact by the passage of a law requiring that animals affected with contagious diseases be kept in separate inclosures.

Indemnity. Much trouble has been experienced in the payment of indemnity for diseased animals. The position is usually taken that an animal affected with a dangerous contagious disease is of no value and, therefore, should not in justice be paid for by the state when it becomes necessary to kill the animal for the protection of other live stock. The only justification for the payment of indemnities lies in the fact that otherwise some resistance may be made on the part of owners to the destruction of diseased animals and the disease thus become disseminated more widely. In Minnesota an amendment to existing laws was passed ('05 ch. 115) providing a limit of \$35 for the appraised value of cows and \$75 for that of horses which have to be destroyed on account of infection. Similarly in New York ('05 ch. 167) a limit of \$40 was placed on the indemnity to be paid for cattle infected with tuberculosis. It was further provided that no indemnity should be paid for the destruction of such animals unless they have been kept within the state for at least one year. In Wisconsin ('05 ch. 32, 162) it has become necessary to prescribe certain restrictions regarding the payment of this indemnity in the case of tuberculosis. Animals may be appraised on the premises where they were kept or, if the Live Stock Sanitary Board thinks advisable, the tuberculous cattle may be shipped to an abattoir in which federal inspection is maintained and after slaughter the proceeds from these animals are returned to the secretary of the board and the legal indemnity paid to the owner.

Importation. It has been found necessary to protect the animal industry of various states by inspection of animals imported from other states or countries and which may be infected with dangerous disease. The inspection of such animals must necessarily be placed in the hands of state authorities, with a state veterinarian or some competent official in charge. As a rule the recent tendency is to give state officials more authority in this respect in order to prevent the introduction into healthy herds of animals suffering with dangerous diseases. In some cases it is desirable to allow the

temporary importation of such animals for exhibit purposes, but in such cases it is ordinarily provided that the animals must be held in quarantine for a specified period in order not to endanger native stock unnecessarily. Particular attention is required in this respect in the case of animals intended for breeding, since the best results in breeding can not be obtained unless animals are in health, and contagious diseases are more easily spread by means of breeding animals than in any other way. Live stock sanitary boards, therefore, request notification of intention to buy or ship into the state pure-blooded or other animals intended for breeding purposes. (Pa. '05 ch.76; Wash. '05 ch.169; Wis. '05 ch.272.)

Disposal of carcasses. One of the most fruitful sources of contagion is found in the exposed carcasses of animals which have died of contagious diseases. The contagion may be spread from such carcasses through the soil, drainage, water and by means of various carnivorous animals and birds. Provision has recently been made in California and Nevada requiring the destruction of such carcasses and providing penalty for failure to do so (Cal. '05 ch.303, 573; Nev. '05 ch.19). Infectious carcasses may be destroyed by burying or by fire. In Nevada it is required that such destruction take place within 24 hours after knowledge is obtained of the death of the animal. If the carcass is not burned it is to be buried not less than 3 feet.

Special diseases. The unusual prevalence of glanders or farcy has brought this disease to the attention of the Legislatures in Connecticut and Vermont. It has been found necessary to impose a comparatively heavy penalty upon the sale or use of horses known to be affected with glanders. This matter has been put in the hands of the boards of health of cities and the selectmen of towns in Connecticut ('05 ch.257) and as soon as the existence of glanders is determined in any horse it is to be slaughtered immediately. In Vermont ('04 ch.153) the fact is recognized that public watering places and public feeding stables are the source of a wide contagion of glanders. A penalty has therefore been provided for watering horses, affected with glanders, in public watering places or hitching or stabling them in public places.

Special animals. The prevalence of foul brood among bees and the rapidity with which this disease may be spread from colony to colony has led to the passage of laws in Idaho, Kansas, New Mexico, Oregon and Washington, appointing bee inspectors and giving them authority to enter the infected premises and prescribe or carry out

suitable lines of treatment (Id. '05 p.170; Kan. '05 ch.71; N. M. '05 ch.43; Or. '05 ch.175; Wash. '05 ch.111). The character of the laws in these five states is very similar. The inspector in each case is specifically empowered to enter suspected premises and examine bee colonies. This appeared to be necessary on account of the fact that many bee raisers did not recognize the existence of the disease or did not consider it a serious matter. The remedy to be applied and the method of applying it is, in all cases, left to the discretion of the state inspector of apiaries and his deputies.

The protection of the sheep industry has received legislative attention in Montana, New Mexico, Texas, Utah and Wyoming. The Montana law ('05 ch.45) provides for a great variety of matters relating to the sheep industry and the protection of these animals against disease. The duties of the Board of Sheep Commissioners and Inspectors and Deputy Inspectors are defined and methods are prescribed for the management of sheep in case the existence of scab is discovered, the use of corrals, quarantine and dipping of scabby sheep, the disinfection of stock cars, the quarantine of sheep to be introduced into the state and other related matters. In New Mexico ('05 ch.42) the trailing of sheep from one county to another without a permit from an inspector is prohibited. The transportation of sheep from Indian reservations from any county in the state is prohibited. These prohibitions have been found necessary on account of the great spread of sheep scab by the trailing of sheep in the hands of irresponsible persons. Quite similar measures were found necessary in Texas ('05 ch. 114) and also in Utah ('05 ch. 26). In the latter state a special tax is levied on sheep to create a fund for sheep inspection. The method of quarantining and inspecting sheep is provided for and it is required that all sheep in the state must be dipped at such times as are determined upon by the Board of State Commissioners. The method of dipping and the materials are also specified, preference being given to lime-sulphur dip, containing 8 pounds of lime and 25 pounds of sulphur to each 100 gallons of water, to be boiled together not less than two hours. In Wyoming ('05 ch.98) particular attention is given to dipping or quarantining sheep which have been in any way exposed to infection with scab. Moreover, in order to make the eradication of sheep scab as effective as possible inspectors of the United States Bureau of Animal Industry are given the same rights and authority in Wyoming as are granted to the State Veterinarian or Sheep Inspectors.

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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 29f

Charities	William B. Buck	
The Insane	T. E. McGarr	
Feeble-minded and Epileptic		J. C. Carson

CHARITIES¹

**WILLIAM B. BUCK, SECRETARY NEW YORK STATE CONFERENCE OF
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The major part of the legislation of 1905 with reference to charities had to do with but two subjects, state supervision and the protection and care of children. The latter received far more legislative attention than any other portion of the field of charitable endeavor. There was a comparatively small amount of legislation of importance with reference to poor relief or hospital care for the indigent sick and still less with regard to the defective classes.

The relative merits of the supervisory board and the board of control as a means for coordinating the charities of a given state continues to be a mooted and practical question with legislators, especially in the Middle and Western States. The tendency of legislation in that section of the country is still toward boards of control composed of a small number of paid officers, usually three, having full powers of management and control over the charitable and in some cases the penal institutions of the state. Such a board was established in Kansas during the year and the Governors of Indiana and North Dakota both recommended the establishment of boards of control in their respective states. The recommendation of Governor Johnson of Minnesota in his annual message that provision be made for supervising the work of the State Board of Control, particularly in fiscal matters, calls attention to a defect common to that form of organization of a state's department of charities. This absence of independent supervision over the work of boards of control will doubtless be more generally recognized and require legislative attention in the near future.

¹See also Governors Messages and Index of Legislation, 2140.

In the Eastern and Southern States supervisory boards without powers of management are the rule, but there is a noticeable tendency to give these boards powers which amount to control over such matters as plans for buildings, classification of inmates and finances. In his message to the Legislature Governor McLane of New Hampshire recommended the creation of a supervisory board in that state, while Governor Pennypacker advised that the State Board of Charities of Pennsylvania be given powers of control over the expenditures of such charitable institutions in that state as receive grants of public money. This tendency is illustrated further in the New Jersey act creating the office of Commissioner of Charities and Correction. The functions of this officer are in the main supervisory but he is also given control over plans for the buildings of state institutions. The above mentioned statutes are illustrative of a moderate but general movement toward closer supervision and greater control by the state over its charities.

In matters of poor relief the tendency is clearly toward fixing responsibility upon each locality for the care of its own poor, and upon relatives for the support of their kin, as well as toward a closer definition of the conditions under which a person obtains a settlement in a given locality and becomes entitled to relief.

The needs of the blind, particularly adults, continue to receive considerable attention, especially in the Middle States. The establishment of day schools and special classes for the deaf in Illinois and Michigan is an interesting departure, while the laudable movement toward changing the names of "institutions" for the blind, deaf and dumb to "schools" continues, such changes being made during the past year in the names of Illinois and Washington institutions of this class.

The great value of the services of competent women in charitable work is recognized by the Wisconsin statute adding a woman member to the State Board of Control, by the addition of two women to the Board of Managers of the Massachusetts State Sanitarium and by the provision for women visitors in connection with the Kansas State Board of Control.

In the legislation affecting children there is a noteworthy trend toward establishing and defining parental obligation. No less than eight different states have enacted laws holding parents responsible for the delinquency of their children. This legislation is doubtless due in large measure to the experience derived from the workings of juvenile courts and the probation system, which has shown the need for laws establishing parental responsibility more definitely.

Acts for the protection of children were adopted by the Legislatures of Arizona, California, Florida, Maine, Michigan, Montana and Oklahoma. The work of placing dependent children in family homes also received considerable attention from state Legislatures. Oklahoma commits itself to this method of caring for dependent children by a general act for their protection and care, and the tendency to surround this work with additional safeguards continues, as is evidenced by the Illinois statutes stipulating that complete records of placed-out children be kept, that placing-out agencies report to the State Board of Public Charities and that children in their care be visited by agents of the State Board. The same tendency is observable in the New York statute requiring reports from superintendents and overseers of the poor with regard to all children placed out by them, and in the laws of Florida and Oklahoma, which specify that complete records of placed-out children must be kept.

State supervision and administration. Following a recommendation by Governor Stokes the Legislature of New Jersey enacted a law providing for the appointment by the Governor of a commissioner of charities and correction having supervision of the state's charitable and correctional institutions, the executive officers of which are to form an advisory board to the Commissioner. The Commissioner has also the appointment of a state architect and the supervision of plans for state buildings. This is probably the first time that a state has intrusted the supervision of its charities to a single-headed department, and the experiment will be watched with considerable interest. A commission has also been appointed to study, revise and codify the poor laws of the state.

In Kansas provision has been made for a board of control consisting of three members appointed by the Governor and receiving salaries of \$2500 a year, "to manage, control and govern" the state hospitals, charitable institutions and reformatories, but not the prisons. This body supersedes the Board of Trustees of State Charities and Corrections. Provision is also made for the appointment of women visitors to the institutions of the state whose duty it shall be to inspect such institutions and report to the Board of Control.

Wisconsin has amended the law establishing a board of control so as to stipulate that one member of the board shall be a woman.

The New York State Board of Charities is empowered ('05 ch.452) to transfer an inmate from one state charitable institution to another when in its judgment such inmate more properly belongs in another institution or would be benefited by the change. The object of this

legislation is to secure a better adjustment of the different classes of beneficiaries in the various state charitable institutions, particularly in the asylums and schools for the feeble-minded and epileptic.

The supervision of the Connecticut Institute for the Blind is vested exclusively in the Board of Education for the Blind of that state. The act further provides that no member of this board shall be an officer or trustee of the institute or in any way connected therewith and that all the departments of the institute shall be thoroughly inspected without previous notice as often as once in three months by at least two members of the Board. The board is further required to submit to the Governor annually a report showing in detail the condition of the institute and also the number of blind persons being educated in other institutions in the state.

The Vermont Legislature authorizes the appointment by the Governor of three commissioners to investigate the management and affairs of the State Hospital for the Insane at Waterbury and in their discretion the State Prison, the House of Correction and the Industrial School. Abuses in connection with the State Hospital have been alleged. In Pennsylvania a similar commission is created by statute "to make a full and complete investigation and inquiry into the capacity and condition" of the State Hospital for the Insane and other state institutions. The occasion for this inquiry appears to have been the marked increase in the number of dependents in the state and the overcrowding of certain institutions. It is the duty of the commission to suggest legislation looking to the removal of abuses and the introduction of needed reforms.

Local boards and officers. A species of county board of control is created by chapter 94 of the Wisconsin laws of 1905 authorizing the election by the boards of supervisors in counties having a population of 250,000 or more of a board of trustees to manage the county hospital, farm, almshouse and department of outdoor relief. Compensation at the rate of \$5 a day is to be given each trustee. These boards are given full powers of management and control in the county charitable institutions, including the appointment of superintendents and other officers. Although this exact form of organization is not usual in this country it has a quasi counterpart in the Board of Trustees of Bellevue and Allied Hospitals in New York City.

Poor relief. The few acts with regard to poor relief during the year had to do for the most part with matters of settlement and with fixing responsibility, financial and otherwise, for the relief of the destitute. Minnesota authorizes a city, town or village to recover

from the relatives of a poor person the sums expended for his relief, or, where no relatives are found, from the town, city or village which is charged by law with the support of such poor person. Nevada provides for relief by counties of poor persons having legal residence therein and imposes a penalty for bringing or leaving a poor or incompetent person in a county where he is not a resident.

A Pennsylvania statute declares that a year's residence in any poor district is sufficient to gain a settlement in that district. In cases where the person applying to a poor law officer for relief has no settlement in the district where application is made notice shall be given the poor law officer of the locality where he has a legal residence and such officer shall receive and care for the applicant. This provision is to be enforced by the Courts of Quarter Sessions. The same law also stipulates that the relatives of a poor person, when able, shall provide for his relief. Another amendment to the poor law of the state authorizes a county magistrate to order the removal of any person who is or is likely to become a public charge to the place of his last legal settlement, whether within the state or not, unless such person shall give sufficient security that he will not become a public charge.

Care of the sick. By an amendment of its laws relating to the relief and support of the poor, Wisconsin has provided for the relief of sick and disabled persons by the proper officers of the locality in which they are overtaken, the expense of such relief to be recovered from the town or county in which the persons so relieved had a legal residence. A similar statute has been adopted by the Legislature of Illinois.

"Confusion worse confounded" should be the title of the amended county hospital law of Indiana. The act of 1903 authorized counties to receive suitable sites and equipment from local hospital associations and to construct buildings thereon, the hospital thus established to be under the control of a board made up of county commissioners, representatives of the association and other citizens. This act was the means of introducing into the state's charities a confusion of private and public charitable endeavor. It permits a hospital corporation to saddle upon a county a hospital which must be maintained henceforth at the county's expense although it has only a minority representation and voice in the management. The amended law permits a county to lease to a hospital association for hospital purposes land and buildings provided the association will make such repairs as may be necessary. No other consideration is stipulated in the law. Accordingly a hospital corporation may

secure from a county both site and buildings for a nominal consideration and for such a period as the property shall be used for hospital purposes. The county also bears the expense of maintenance but makes no requirements as to securing a certain percentage of support from private sources. The wisdom of mixing public and private charity in just these proportions seems open to serious question.

The deaf, dumb and blind. Illinois provides for special classes for the deaf in connection with the public schools of a given district and that qualified teachers be employed in these classes. In Michigan a similar act provides also for the reimbursement of the school district by the state for expenses incurred in establishing and maintaining such classes. This act is even more specific as to the qualifications of teachers. By an act of the Indiana Legislature the amount available for the purchase of lands and construction of buildings for the new state institution for the deaf and dumb is increased from \$250,000 to \$315,000.

In his message to the New York Legislature Governor Higgins recommends further consideration of the needs of the adult blind. Governor Yates in his message states that the Illinois Industrial Home for the Blind is not an unqualified success; that the sole industry is broom-making, which shows a net loss of \$200 per inmate during the year. A change in this industry is recommended. Wisconsin, however, continues a similar experiment in the way of providing training and employment for adult blind persons which was begun in 1904, but the plan does not include a home for the blind, as in the case of Illinois. The present act authorizes the leasing of suitable buildings and the investment of a sum not exceeding \$2500 in materials to be used by the blind. An annual appropriation of \$8000 is made for 1905 and 1906 for the maintenance of these shop schools.

Juvenile delinquents. Colorado in making provisions for the punishment of parents or other persons responsible for the dependency or neglect of children is merely developing logically its system of child-saving as found in its children's court and probation laws. Such parents are held to be misdemeanants punishable by fine or imprisonment or both. Similar laws with reference to persons contributing to delinquency in children have been placed on the statute books of Nebraska, Illinois, Indiana, New Jersey, New York, Oregon and Wisconsin during the year and are a valuable contribution to present methods of dealing with juvenile offenders.

A general statute has been enacted by the California Legislature authorizing courts of competent jurisdiction to place on pro-

bation minors convicted of misdemeanor or felonies when, in the judgment of the court, reformation is possible and a prison sentence would be morally injurious. The law provides that such persons may be released on probation for indeterminate periods and placed under the care of nonsectarian charitable societies engaged in reformatory work.

Under the provisions of a Missouri statute county courts in counties having over 150,000 and less than 500,000 population are authorized to establish and maintain parental schools for the detention of delinquent and dependent children. The expense of maintaining such schools is to be borne out of the dramshop fund. The policy of including dependent children in the same category with delinquents, however, is not advisable. Even more undesirable is the legislation which provides for the reformatory care of juvenile delinquents in Oklahoma by the contract system. This system has failed lamentably as applied both to delinquents and dependents in other states and is always a prolific source of abuse. It seems strange that in the same year this progressive territory should adopt two statutes so diverse in principle and merit as the general act for the protection of children, discussed a little later, and this contract law. The former represents the most modern principles and methods of child saving, while the latter is archaic, not to say barbaric.

Destitute and neglected children. *Protective legislation.* The Western and Southern States are taking measures for the better protection of children, following the example of older and more populous communities and profiting by their experience. The Legislature of Arizona authorizes probate judges to take testimony and order the removal from its parents of any child shown to be neglected or endangered physically or morally, and to provide such child with a suitable home. California amends its Penal Code so as to provide a penalty for abandoning a child; to prohibit cruel and unusual punishment of children; and to prevent children under 16 from being used in exhibitions or employed in vocations dangerous to health, life or morals, or from being placed in confinement in company with adults charged with or convicted of crime. Provision is also made for the commitment of vagrant children to charitable societies or institutions and for penalizing corporations or persons who send minors to questionable places.

Maine adopts similar but more extended legislation to the same effect, covering the provisions of both the Arizona and California laws and also specifying means for compelling delinquent fathers

to provide support for neglected wives or children. The law is moderate in its terms and should be of great assistance in the work of child-saving in that state. An enactment of the Colorado Legislature places upon the parents of children committed to institutions responsibility for the support of such children in the institution, and permits the state or county to recover from the parents a reasonable sum for their care and support while in the institution. The Florida Legislature has passed a law providing that neglected or abandoned children may be committed to an institution and by it placed in a family if deemed advisable. Proper record of every child so placed must be kept. By an amendment to the state laws for the protection of children minor students in any public, private or parochial school in Michigan are not permitted in saloons, gambling houses, houses of prostitution or dance halls. Montana amends its penal code by providing a penalty of from one to seven years' imprisonment for desertion of child under 12 years. The age was formerly 6 years.

Placing in families. The placing of children in families is regulated in Illinois by an act requiring placing-out societies and agencies to secure a surrender of the child or the consent of its parents or guardian as a condition precedent to placing out in a family. Such agencies must also keep a complete permanent record of each child. The items to be included in this record as specified in the law are numerous and thoroughgoing. This provision as to records might well be adopted in other states.

"An act to define conditions of child dependency, neglect and ill treatment; to prescribe methods for the protection and supervision of dependent, neglected and ill treated children within the territory of Oklahoma" deserves more than passing notice. The law, as its title indicates, declares what constitutes dependency or neglect and authorizes the courts to investigate cases of children found in any of these conditions, and, if shown to be dependent or neglected, to order the child placed in the hands of a children's aid society duly incorporated under the laws of that territory. Such societies are authorized to place out in families children received by court commitment or from institutions, but foreign corporations of this character are debarred from the territory. Both children's aid societies and institutions for children are required to keep complete records, but this provision of the law is less carefully and intelligently drawn than is a similar paragraph in the Illinois statute just mentioned. Children in institutions or families must not be molested or interfered with by outside

parties. Counties are authorized to reimburse such societies and institutions for expenses incurred in placing out or caring for children. While this act makes provision for the care of children in institutions it seems to contemplate that such care shall be temporary and merely preliminary to placing the child in a family home, and in effect to commit the state to the placing-out method of care for its dependent children.

The tendency to regulate more carefully the work of agencies and persons engaged in caring for children by the so called "placing-out" method is shown in the enactments of several states, notably Illinois, where such societies and individuals are now required to report to the State Board of Public Charities quarterly the facts with reference to each child placed out during that period. Judges, supervisors and superintendents of the poor are required to report in like manner, and the duty is imposed upon the State Board of Public Charities to visit, by its agents, families where children are placed until such time as the child is legally adopted. The act specifies the form of blank to be used by the agent in making reports of such visits. The board is authorized to order the removal of children cruelly treated or found in unsuitable homes. New York takes the same position to the extent of requiring reports from superintendents and overseers of the poor with regard to the children placed out by them.

Crippled children. In Illinois school district officers are authorized to establish special classes for crippled children in connection with the public schools of the district. The Legislature of Minnesota makes provision for the appointment of a commission of three persons to consider the advisability of establishing two state hospitals for the care and treatment of crippled children, one in Ramsay and one in Hennepin county. Nebraska starts such a hospital in connection with the Home for the Friendless at Lincoln with an appropriation of \$10,000.

Institutional care. An appropriation of \$50,000 for the establishment of the Thaddeus Stevens Industrial and Reform School at Lancaster, Pa., on a tract of not less than 2 acres to be donated by the city of Lancaster, is authorized by the Legislature. The act provides for the admission of "indigent orphan boys," no preference to be shown on account of race, color or religion, but the name of the school would suggest a purpose to receive and train delinquent boys as well. The minimum amount of land for a site specified in the act would seem to be woefully inadequate, particularly as the wording of the law contemplates a school on the colony plan.

There is an echo of the old struggle for religious liberty in the following excerpt from a recent Massachusetts enactment:

"No parents, or surviving parent, of any minor child in the care or under the supervision of the State Board of Charity, or of any state commission, or of any state board of trustees, shall be denied the right of any child of theirs to the free exercise of the religious belief of his parents and the liberty of worshipping God according to the religion of his parents or surviving parent, or of the religion which his parents professed, if they are both deceased."

THE INSANE¹

T. E. MCGARR, SECRETARY NEW YORK STATE COMMISSION IN LUNACY

Centralized control. In New York Governor Higgins recommends a modification of the legislation enacted in 1902 in regard to hospitals for the insane. He suggests that the managing boards discontinued in 1902 be restored and that the jurisdiction of the State Commission in Lunacy be limited to the functions possessed by it prior to that year. In accordance with the recommendation of the Governor the Legislature abolished ('05 ch.490) the boards of visitation of the state hospitals and reestablished the institutional boards of managers.

Additional accommodations. The governors of Florida, Idaho, Indiana, Michigan, New Hampshire, New York, North Dakota and West Virginia call attention to the inadequacy of the state provision for the insane and the urgent need of increasing the capacity of existing institutions or of establishing additional hospitals.

Governor Davis of Arkansas recommends an appropriation for a permanent home for the incurable insane. In his opinion one half if not two thirds of the population of the Arkansas Asylum are hopelessly incurable and only need custodial care.

Florida ('05 ch.83) provides for a commission to consider the relocation of the State Hospital for the Insane and improved methods of treatment; to report to the Legislature of 1907.

Idaho ('05 p. 196) establishes the Northern Idaho Insane Asylum, provides for location and construction, makes a 40,000 acre land grant as permanent fund, authorizes a loan of \$30,000 thereon and provides plan of organization and management.

Governor Durbin of Indiana draws attention to the fact that the annual additional increment in Indiana amounts to 600 patients, which is only a trifle below the average annual increase in New York with three times the population of the former state. The Legislature of this state ('05 ch.29) establishes the Southeastern Hospital for the Insane and provides a commission to locate a site and supervise construction; also provides for a managing board and appropriates \$560,000. The commission is nonpartizan and the Governor is an ex officio member.

Maine ('05 ch.175) provides for the acquisition of the Kennebec Arsenal property as an addition to the Maine Insane Hospital at Augusta. This state also ('05 ch.176) authorizes the trustees of the

¹See also Governors Messages and Index of Legislation, 2193.

insane hospitals to take possession of Widow's Island and make use thereof for temporary treatment of patients. This appears to be a plan for a seashore colony and is probably inspired by the excellent results of the convalescent home established in connection with the Pennsylvania State Hospital for the Insane.

In Massachusetts Governor Douglas recommends in order to relieve the overcrowded condition of the state institutions for the insane, that something be done each year in excess of the minimum requirement. He suggests that each annual appropriation should be made to provide accommodations for 500 additional patients. An act of 1905 (ch.400) contains an important provision, namely the transfer of insane patients to the Foxborough State Hospital "for dipsomaniacs and inebriates" at the discretion of the State Board of Insanity. The experiment of providing a state hospital for drunkards has proved only a qualified success in Massachusetts. The results of treatment are apparently satisfactory but the expense of maintenance, owing to the small size of the institution, has averaged double the cost at the state hospitals for the insane. In view of the ever present need of additional accommodation for the insane it was decided that greater good might be attained by utilizing the institution for both inebriates and insane. It is possible to prevent the unfavorable reaction of the latter class upon the former by a separation of buildings, followed eventually by the development of a new center for inebriates, under the same general management but at a suitable distance from the present institution and affording a larger acreage of land for their employment. Economy would thus be attained and the foundation laid for further study and progress in the treatment of inebriety as a disease condition, without the taint of criminality.

Oklahoma ('05 ch.20 art.1) provides for the Oklahoma Hospital for the Insane, located on the Fort Supply Military Reservation. It is interesting to note that the superintendent of the hospital holds office for two years only, an archaic arrangement.

South Dakota ('05 ch.138) establishes an additional hospital to be known as the Northeastern Hospital for the Insane, located at Watertown on land belonging to the state. No funds are to be available for this building until the Yankton Hospital for the Insane shall have a population of 1000 patients. This state ('05 ch.139) also provides that the Northern Hospital for the Insane shall have the "custody, care and education of such imbecile,

feeble-minded and epileptic persons as are hereinafter designated." A further stipulation requires the institution to provide care and special means of improvement for the following classes of persons, to wit: those who were born or by special disease have become imbecile, feeble-minded or epileptic; to provide means of instruction and mental and physical training for all such persons as are capable of receiving the same; also to provide for the custody and care of all such imbecile or feeble-minded or epileptic persons who are incapable of receiving mental or physical training; provided, that persons who have become feeble-minded by reason of age shall not be entitled to the benefits of said institution.

Classification of insane. Governor Johnson advocates that the Minnesota hospitals should be placed on the high plane of general hospitals; that they should be relieved as far as possible of the incubus of the incurable inmates who only require personal care but whose presence means the crowding out of those who need and might be benefited by medical treatment. He strongly recommends the provision of funds for the erection of nurses' homes at the various hospitals; also the provision of a place at the State Prison for the retention of the criminal insane as well as the insane criminal.

In New York Governor Higgins recommends that in increasing the accommodations in existing establishments each state hospital should be provided with a building especially adapted to the treatment of the acute insane. A law of this state ('05 ch.702) provides \$300,000 for the construction of a reception hospital for 200 patients in the city of New York, to which are to be committed acute cases of alleged insanity. The hospital will be equipped with the most approved appliances in addition to the ordinary equipment of a general hospital. Provision is also made for the construction of a special building with accommodations for 80 patients of the acute and strictly curable insane, on the grounds of the Binghamton State Hospital.¹

Admission. Support. Massachusetts ('05 ch.432) provides for the commitment to the state hospitals of any person who may desire to submit himself to treatment and who makes written application therefor providing his mental condition is such as to render

¹It was afterward discovered that the funds provided were not sufficient to construct an appropriate building; the Lunacy Commission will consequently request the Legislature at its forthcoming session to allow a per capita cost of \$1000 in the construction of the building at Binghamton, and also of three similar buildings to be located respectively at Poughkeepsie, Middletown and Utica on the grounds of the existing hospitals.

him competent to make such application. Detention is limited to three days after written notice is given of his desire to leave the institution. The charges for the support of private patients in public institutions are to be governed by the provisions of law applicable for the support of indigent insane provided the approval of the State Board of Insanity be obtained in writing. Prompt notification to the board of the reception of such cases is required.

Governor Van Sant recommends that an arrangement be made whereby the counties sending patients to the Minnesota hospitals should pay one half the expense of their maintenance. He believes that while this would not to any great extent decrease the cost, it would tend to greater caution in making commitments.

Governor Higgins of New York calls attention to the prevailing practice in New York of committing senile or feeble-minded persons to state institutions at the instance of those properly chargeable with their support. He urges that before any insane person is permanently received as a state charge the question should be investigated and determined whether such person is a pauper without relatives chargeable with his support or able to contribute thereto.

Commitment. Transfer. Parole. Governor Hun of Delaware recommends the creation of county lunacy commissions with sole power to pass upon the mental condition of applicants for admission to the State Hospital, thereby avoiding "the favoritism inseparable from the present procedure which, through the environment and the influence surrounding the individual physician, crowds the institution with inmates not contemplated by law."

An act of Florida ('05 ch.85) contains a curious provision relating to cases of alleged chronic insanity. When the proceedings taken to prove the insanity of the person show that the case is chronic or produced by epilepsy or senility and that the person does not require confinement or mechanical restraint to prevent self-injury or violence to others, and when he is indigent, the court shall order the sheriff to deliver him to the county authorities for care and maintenance "as by law made and provided for paupers;" provided that if any responsible person will offer to assume the care and custody of any such harmless person without cost to the state or county the judge or court may in its discretion so order.

Massachusetts ('05 ch.435) provides for a parole of six months to patients in charge of their friends.

Minnesota ('05 ch.47) provides that at all hearings of deaf and dumb persons alleged to be insane the patient shall have furnished to him "an interpreter to convey questions to him and his answers, by the sign language with which he is familiar, to all questions propounded to him at such hearing, and in the event such person so charged with insanity does not make such request or demand for such interpreter, it shall be the duty of the judge or other officer before whom such examination is held, to provide such interpreter, who shall be recommended by the superintendent of the Minnesota State School for the Deaf."

New Hampshire ('05 ch.101) provides that any justice of the Superior Court may, on due cause shown, parole any person committed to the New Hampshire State Hospital upon such terms and conditions as such justice may require, and the court or justice may at any time thereafter revoke the parole and order the person returned to the State Hospital under the original commitment.

New Jersey ('05 ch.74) provides at this late date that all insane women transferred from one institution to another must be accompanied by female attendants.

Governor Ferguson recommends that the powers of the county insanity boards in Oklahoma be amended and that a restriction be placed upon the liberties too often assumed by said boards in sending persons who are not insane to the asylum to be cared for at public expense.

Family care of the insane. Massachusetts ('05 ch.458) amends its existing statutes with reference to family care of chronic cases; patients are to be selected by the superintendents of the hospitals and placed under the constant supervision of an inspector of the State Board of Insanity.

Inspection of private asylums or sanatoriums. New York ('05 ch.497) provides that any member of the State Commission in Lunacy or its medical inspector may visit any sanatorium or other institution wherein sick or infirm persons are treated for compensation or hire, to ascertain whether insane persons are confined therein illegally. It is made mandatory that such officials be given access to any portion of grounds or buildings.

Miscellaneous. California ('05 ch.88) provides for the employment of a woman physician in the State Hospital for the Insane.

Connecticut ('05 ch.110) provides that every person who shall aid or abet or who shall conspire with another to aid or abet the escape

from any hospital or sanatorium of any person committed to such hospital or sanatorium as insane, shall be fined not more than \$500, or imprisoned not more than two years, or both.

Michigan ('05 ch.140) provides funds for paying salaries of pathologist and assistants and equipping the psychopathic ward established in 1901 in connection with the hospital of the University of Michigan. This is a clinical laboratory of research in neural pathology for the instruction of medical students and for the benefit of the state hospitals for the insane.

FEEBLE-MINDED AND EPILEPTIC¹

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FOR FEEBLE-MINDED CHILDREN

Governors messages. In relation to the epileptic and feeble-minded it is noteworthy that the governors of no less than 11 states made mention of one or the other of these classes in their messages for 1905. In three of the states, Connecticut, Indiana and Michigan, the recommendations were in the way of provision for epileptics on the colony plan, the Governor of Michigan especially recommending it along the line adopted by the state of New York at the Craig Colony. In the other eight states, Delaware, Idaho, Illinois, New Hampshire, Massachusetts, Nebraska, New York and Wisconsin, references to the feeble-minded were made and in each instance in the nature of recommendations either for state provision where none exists or for increasing the accommodations of already existing institutions. In Illinois, New Hampshire, Massachusetts and Nebraska a recommendation was made especially to provide for an additional number of feeble-minded girls or women of the child-bearing age.

Legislation. Connecticut. The legislation in this state was in the form of a resolution ('05 ch.450) authorizing the appointment by the Governor of three persons to investigate methods for the care and treatment of epileptics and report to the Legislature in 1907.

Michigan. A new section is added to chapter 209 of the laws of 1903 which requires that in making application for admission to the State Institution for Feeble-minded and Epileptic the parents or guardians of applicants shall waive all right thereafter of removing them. This is important legislation. It is no doubt intended to give the management control and custody of inmates whose parents or guardians are unfit persons. Such legislation, however, appears to be a surrender of the future right of a parent over the custody of his child and this many parents would never willingly yield. For the permanent custody of a few individual cases the law of course would for certain reasons prove very desirable. It is likely, however, a knowledge of the existence of such a law would deter many parents from ever permitting the admission of their children to the institution.

Indiana. Chapter 159 of the laws of 1905 provides for the establishment of a village for the scientific education, treatment,

¹See also Governors Messages and Index of Legislation, 2210.

employment and custody of epileptics, to be known as "The Indiana Village for Epileptics." The Governor is authorized to appoint three commissioners to decide upon a location for the village and purchase the necessary land. Not less than 1000 acres of land shall be purchased, for which and for the erection and equipment of the necessary buildings \$150,000 is appropriated. Epileptics at present in the poorhouses, jails and other county institutions shall be the first ones admitted to the village when accommodations are ready. For the maintenance of the institution a per capita allowance of \$200 a year is provided. An allotment based on population is made of the number of inmates to be received from each county. The commitment of epileptic persons to the village is also provided for, the form not materially differing from that usually followed in other states, namely an application to a judge of a court of record by a reputable citizen, followed by the examination of the patient by two experienced physicians and their certification of the existence of epilepsy.

New York. Chapter 458 of the laws of 1905, amending '96 ch. 546, gives the managers upon the death of any patient at the Craig Colony for Epileptics authority to perform an autopsy, under certain conditions. The purpose of the amendment is to extend scientific pathological investigations in the study of epilepsy and is therefore to be commended.

New Hampshire. Previous legislation in this state had limited the detention of inmates at the State Institution for Feeble-minded to the age of 21. An amendment ('05 ch. 23) extends the limit indefinitely for feeble-minded girls. Its purpose, a most laudable one, is the retention of feeble-minded women under custody during the child-bearing period.

Massachusetts. An act ('05 ch. 282) provides for the support of certain feeble-minded persons having residence in towns of less than \$500,000 assessed valuation. The purpose of the act is to relieve the small towns of the state from the expense of maintaining their feeble-minded at the state institution by placing their support upon the state at large. It seems as if a better and more equitable law would be one making state charges of all feeble-minded persons received at the institution.

Oregon. The State Board of Public Building Commissioners is authorized ('05 ch. 181) to make investigations in relation to the probable cost of buildings for the care of all feeble-minded and epileptic children of the state, and to visit or send representatives to other states for the purpose of examining institutions where the

feeble-minded or epileptic are being maintained. The Commissioners are required to report upon the kind and character of buildings best suited to the purpose and they may select and purchase the necessary grounds.

Rhode Island. A resolution was passed authorizing the appointment of a joint special committee of the Senate and Assembly on the subject of providing a state school for feeble-minded children. In Rhode Island no institution for the feeble-minded exists and the resolution is presumably the first legislative effort towards the establishment of an institution of some kind in the state for the care and training of the feeble-minded.

Washington. An act was passed ('05 ch.70) providing for the care of defective and feeble-minded youth and establishing an institution therefor. Prior to this law a few of the feeble-minded in the state had been provided for in a department of the School for the Blind at Vancouver. The act passed authorizes the transfer of the feeble-minded in the department at Vancouver to buildings in a new location less than 2 miles distant from the Eastern Washington Hospital for the Insane, and places their supervision under the superintendent of that hospital. It is probable that the arrangement of caring and providing for the feeble-minded in connection with the blind proved unsatisfactory. The law now shifts the arrangement over to a management in connection with a still different class, the insane. Our prediction is that this plan will also prove unsatisfactory and in the end will be found to be a mistake. In providing for two different classes under one management it is difficult to give each class the separate and distinctive attention required. The one is apt to predominate or else intermingle too much with the other. The insane require care and treatment; the feeble-minded care and training. As we view it, the only gain made by the law is a more extended accommodation for the feeble-minded and a rather more distinctive character given to their care in the establishment of a separate institution.



Crimes and Offenses Samuel J. Barrows
Corrections George McLaughlin

CRIMES AND OFFENSES¹

SAMUEL J. BARROWS, UNITED STATES COMMISSIONER, INTERNATIONAL
PRISON COMMISSION

With the country divided into 45 separate political compartments it is not surprising that legislation every year should be as variegated as a patchwork quilt. Countries like England, France, Germany and Italy, in which there is a uniform penal code, look with surprise at the want of uniformity and indeed the positive contradiction in penal laws in the United States, growing out of our system of local government. The system becomes a serious embarrassment from time to time in our international relations when a foreign country finds that an offense committed in any one of the states against a foreign subject is not punishable by the federal government, which has no jurisdiction over the matter. Foreign citizens eventually learn that the degrees of privilege they enjoy and the amount of obligation they incur depend very much upon what part of the country they are living in.

But foreigners are not alone in recognizing the anomalies which come from want of uniformity. From time to time the confusion and contradiction of laws and the want of a more homogeneous ethical standard so far as it may be expressed in law is recognized and felt by students of social and political conditions. The attempt to secure uniformity in state legislation by the appointment of boards of commissioners from the several states has not been very successful, whether in relation to civil or criminal law. What is attained in the way of uniformity is more likely to be secured through the active propaganda of various national associations organized to promote definite commercial, professional, patriotic, political or social development.

¹See also Governors Messages and Index of Legislation, 234, 870.

Crimes against the government. Few of the laws passed in 1905, however, represent national sentiment, unless it be the laws passed in eight states making it an offense to desecrate the United States flag by advertisement or otherwise. Two states passed such laws in 1904 and six in 1903, all of which points to organized action. It would seem not to be an illogical application nor an excessive stretch of federal power for the general government to pass a general law for the protection of its flag, bringing such an offense within the jurisdiction of the United States courts. Why it should be the work of the separate states to pass laws protecting the national symbol does not seem clear even under the large share of powers reserved to the states. If the United States can punish the counterfeiting of its coin it might be supposed to have the authority to protect the desecration of the flag; but the former is expressly provided for in the Constitution, while the latter is not.

As this review does not include federal laws it is not complete so far as the catalogue of crimes against the general government is concerned.

The other offenses under this head relate mainly to the escape of convicts from prison and to perjury and bribery.

Public order and security. Under this head a few of the states passed laws relating to vagrancy and seven passed or amended laws relating to the carrying of weapons.

Wife-beating. A reactionary tendency reviving a form of punishment nearly obsolete is seen in the passage of a bill in Oregon providing that wife-beating may be punished by whipping. The lashes are not to exceed 20 in number and it is left to the discretion of the court to impose whipping or fine or imprisonment. The whipping may be administered by the sheriff of the county or any marshal or policeman of any incorporated city or town wherein judgment shall be rendered, and is to be administered within the walls of the county jail. The passage of this law in Oregon is in marked contrast to the overwhelming failure of an attempt to pass a law for wife-beating during the winter of 1905-6 in the Congress of the United States. The bill was made the subject of much burlesque in the form of ridiculous amendments and was finally laid on the table.

Fraud. Eight states have passed laws to prevent the defrauding of liverymen and hotel people; eight states have passed laws relative to malicious injury to electrical apparatus and power or to interfering or tampering with the same.

In South Dakota it is made a misdemeanor to make any false statement concerning one's physical or financial condition for the purpose of receiving aid from the city or county or from any person or charitable institution or organization. The penalty is a fine not exceeding \$100 or imprisonment for 30 days or both.

California has passed four laws in relation to embezzlement and several states have passed laws for the better prevention of various forms of fraud. In Rhode Island it is made a misdemeanor to misrepresent the circulation of a newspaper or periodical for the purpose of securing advertising or patronage.

Malicious mischief. There is no telling what form malicious mischief may take. In California a special law has been passed making it a felony to maliciously drive any iron, steel or any other substance sufficiently hard to injure saws, in any saw log or other wood intended to be manufactured as lumber. Likewise in North Dakota punishment is provided against maliciously putting or concealing in stacks of grain any substance which will injure a threshing machine if fed into it. If the injury caused results in the death of any person the offense is deemed manslaughter in the first degree; if the injury results in maiming or injury to any person or breaking of the machine it is a felony; in all other cases it is deemed a misdemeanor. The violators are responsible to the owners of the machine for damage. In the same state it is made likewise a form of malicious injury to haul a dead animal, or offensive or decaying matter on land without the owner's consent.

Trespass. Various laws against trespass have been passed for the protection of private property. The state of Maine, which has had on its statutes a law for the punishment by imprisonment and fine of persons entering upon any land, cutting any timber, serving any process, or exercising any jurisdiction within the limits of the state as described by treaties between the United States and Great Britain, now softens the act by providing that punishment shall be inflicted at the discretion of the court.

Robbery. Minnesota is apparently hoping to exterminate robbery by doubling the extreme penalty, which hitherto has been 20 years, so that a robbery in the first degree may be punished by a maximum penalty of 40 years. The minimum remains as formerly five years. South Dakota, on the other hand, instead of increasing the maximum, which is 20 years, has reduced the minimum from 10 years to one year. It will be interesting to see whether the crime of robbery will become less frequent in Minnesota because of the threatened maximum or become more frequent in South Dakota because of the less threatening minimum of punishment.

Minors. Laws continue to be passed for the protection of minors. Several states have passed laws prohibiting minors frequenting billiard or pool rooms without the consent of parent or guardian. In Vermont the written consent of parent is necessary. The owner is made responsible. In Pennsylvania the provision as to the consent of parents is not included.

Gambling. Eleven states have passed laws for the restriction of gambling. Texas has amended its laws prohibiting betting on horse racing so as to permit it on the day and within the inclosures where such races are run and making it unlawful to have horse racing on Sundays.

Shows. With reference to shows and exhibitions California adds to its Penal Code a new section making every person guilty of a misdemeanor who sells or offers for sale any ticket to a theater or other place of amusement at a price in excess of that charged originally by the management of such place or theater.

Oregon will hereafter punish by a fine of from \$100 to \$1000 the exposure to public view of any person in a state of trance, sleep or entire or partial unconsciousness, which shall have been induced by hypnotism, mesmerism or any other form of the exertion of the will power, or suggestion of another person over such subject. It makes responsible also the agents or servants at such an exhibition and in default of payment of fine provides for imprisonment in the county jail equal to one day for each \$2 of the fine.

Vermont imposes a penalty of from \$1000 to \$3000 for exhibiting a circus in any town without permission of the selectmen and without having paid to the State Treasurer the legal license fee.

Cruelty to animals. 16 states have passed 23 laws in regard to cruelty to animals, most of which are doubtless due to the presence in various states of organizations for their protection. Colorado not only makes it unlawful to cause animals to fight or to release them for hunting or shooting, but provides that wilful spectators may be held as accessories and punished as principals by a fine of from \$10 to \$250 or imprisonment for a year or by both fine and imprisonment.

Maine forbids the keeping or leaving of sheep on any of the uninhabited or barren islands lying off the coasts during the months of December, January, February and March of any year, without providing sufficient food and shelter therefor. This law was strengthened last year by providing that any person may take charge of such abandoned animals and care for them at the owner's expense and have a lien thereon.

It is interesting to note that in the Southwestern States a method of treating animals which never existed in New England and which had its origin in the life of a herdsman is passing away: namely, cattle roping as a fine art. New Mexico has passed a law making any exhibition of cattle roping a misdemeanor punishable by imprisonment for 60 days and a fine of \$500. Texas has passed a similar law with the same fine but omitting imprisonment. The reason of the law is thus stated in section 2: "The serious injuries being sustained by the cattle interests of Texas through roping contests, and the almost uniform demand by the cattle raisers and the farmers of this state for relief against the roping contests, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in three several days be suspended." The rule was therefore suspended and this act made to take effect from and after its passage. It was passed without a dissenting vote in the Senate and with but one negative vote in the House of Representatives.

Cigarettes and drugs. The campaign against the selling of cigarettes to minors and against the unlawful sale of drugs, especially cocaine, is still carried on and shows the presence of deleterious practices on the one hand, and on the other the vigilance of the associations which are seeking to restrict them.

CORRECTIONS

GEORGE MCLAUGHLIN M. A., SECRETARY NEW YORK STATE COMMISSION OF PRISONS

The general trend of legislation in the United States relating to corrections and penal institutions during 1905 was toward the establishment of an increased number of reformatories, reform and industrial schools, especially for juveniles; a more general adoption of the indeterminate sentence law, with provisions for parole; continued progress in the separation of the criminal insane from the innocent insane, and the separate housing of insane criminals from other offenders; the establishment of bureaus of identification in additional states; the enactment of many new laws providing for probation; and toward the restriction of convict labor to state account work.

Supervision and administration. Florida ('05 ch.77) authorized the Governor to appoint additional Supervisors of State Convicts and Convicts Camps of the state, when in the opinion of the Board of Commissioners of State Institutions more than one is necessary, to act under the direction of the Commissioner of Agriculture and the Board of Commissioners of State Institutions, relative to the sanitary condition of the prison camps and the care and treatment of the convicts.

Kansas ('05 ch.487) made it the duty of the governing body of the several state institutions to formulate rules and regulations prescribing the qualifications of employees and regulating appointments. Employees may be removed for cause but political action or affiliation shall not be considered a cause for removal.

New Jersey ('05 ch.57) authorized the Governor to appoint a commissioner of charities and corrections for a term of three years at a salary of \$3000 and a committee of two to aid him. The Commissioner is to inspect charitable and correctional institutions and report to the Governor. Plans for buildings or improvements are to be prepared under his direction and he may appoint an architect as assistant, at a salary of \$2500. The executive officers of the various institutions constitute an advisory board and meet with the Commissioner quarterly.

North Carolina ('05 ch.446) authorized the Governor, when he deems advisable, to visit any state institution for the purpose of inquiring into its management and needs.

¹See also Governors Messages and Index of Legislation, 235.

Oregon ('05 ch.99) provided for the monthly payment of the salaries of the officers and employees of state institutions.

Utah ('05 ch.101) reduced the membership of the Board of Corrections from four to three. The board will consist of the Governor ex officio and two resident citizens, not to be of the same political party, appointed for four years.

Vermont ('04 ch.163) directed the Governor to appoint three commissioners to investigate the Vermont Hospital, the State Prison, the House of Correction and the Industrial School.

Wisconsin ('05 ch.381) amended the statute relating to the Board of Control, by inserting a clause that one of the five members shall be a woman.

State prisons. Kansas ('05 ch.528) authorized a renewal of the contract with Oklahoma for keeping convicts for two years at 40 cents a day.

Massachusetts ('05 ch.106) authorized the Governor and Council to investigate the advisability of establishing a branch state prison at Nashawena island.

New York ('05 ch.718) authorized the Governor to appoint five commissioners to inquire as to the most practical method of providing modern prison buildings; such inquiry to embrace the structural and sanitary condition of Auburn and Sing Sing prisons, and the disposition that may be made of the Eastern New York Reformatory.

Employees. Missouri amended the law relating to the salary of guards in penitentiaries by providing that all turnkeys and guards shall receive \$780 a year ('05 p.267) and increased the compensation of the prison physician from \$1200 to \$2000 ('05 p.268).

Oregon ('05 ch.81) increased the compensation of the assistant warden of the penitentiary from \$900 to \$1200.

Washington ('05 ch.38) provided for the appointment of a chaplain of the State Penitentiary by the Governor, who shall hold office for two years, with a salary of \$1200.

Institutions for women and girls. California ('05 ch.253) authorized the Whittier State School for Girls to contract for the care of inmates with charitable or benevolent institutions, organized for the care of criminal or wayward girls, or with private families, and to pay for such care out of the funds of the institution. The board of trustees may recall such inmate at any time.

In Connecticut ('05 ch.233) an act was passed authorizing the commitment of any unmarried female, between 16 and 21, leading

a vicious life or in danger of falling into habits of vice, to the custody of any private correctional institution until 21 years of age. Trustees or directors of such institutions may bind out such girls, or may discharge or return them to their parents or guardians.

In Idaho ('05 p.33) an act was passed authorizing the prison commissioners to contract for the care of females convicted of felony in the penal institutions of another state; this practice to continue until a separate department or ward for female prisoners shall have been constructed at the State Penitentiary.

In New Jersey ('05 ch.240) the act establishing the State Home for Girls was amended by providing that girls under 19 (formerly 16) may be committed thereto.

Oregon ('05 ch.232) appropriated \$7000 for the support and reclamation of wayward girls over 12 and under 18, payment to be made to the reformatory institutions at the rate of \$84 a year for each girl maintained. Each institution must have at least five wayward girls, and have been in actual existence at least one year. The county judge shall examine and inspect institutions claiming the benefit of the act.

Reform schools. Arizona ('05 ch.53) abolished the board of trustees of the Territorial Industrial School and vested control in the Board of Control of the territory.

In California ('05 ch.84) the law relating to the Whittier State Reform School for Juvenile Offenders was amended by providing that girls as well as boys may be committed to it; boys between 7 and 16, girls between 7 and 18; boys may be detained until 16 and girls until 21. Two new sections were added: the first authorizing commitment of truant children between 7 and 17; the second, the commitment of dependent and delinquent children. Both male and female minors shall have private examination and trial. Male inmates over 16 must be removed to the Preston School of Industry.

In Florida ('05 ch.17) an act was passed authorizing the commitment of persons under 18 to the State Reform School. The act provides for the management of the school, for parole by managers, and for release on probation. A mechanical school is to be established and the inmates instructed in trades.

In Georgia ('05 p.127) an act was passed establishing a state reformatory for offenders under 17. Sentence is to be indeterminate but may not extend beyond the time when the person sentenced shall have arrived at the age of 21. Felons may be held for not exceeding five years, and misdemeanants not exceeding

two years. Control is vested in the Prison Commission. Inmates are to be employed in agricultural, domestic and mechanical work and given a common school education; commission may establish trade schools and a system of parole, and may, with the approval of the Governor, grant conditional discharges and recommend to the Governor release and pardon. White and colored inmates are to be kept separate. The Prison Commission is to select a site and erect suitable buildings, \$10,000 being appropriated for buildings and equipment and \$10,000 for maintenance.

In Idaho ('05 p.432) the law relating to the Industrial Training School was amended so as to apply to any boy or girl between 8 and 18 found guilty of any felony (formerly 'crime') except murder or manslaughter; the amendment also provides that if from want of proper parental care a person between those ages, of sound intellect and good bodily health, is growing up in mendicancy, vagrancy or incorrigibility, he may be committed to this school. Any such boy or girl, held for examination for a felony, may be committed to the school to await trial, in lieu of commitment to jail.

In Michigan ('05 ch.266) the act establishing a house of correction for juvenile offenders was amended by striking out the clause excepting offenders punishable by imprisonment for life, so that hereafter any male person under 16 and over 10 may be committed.

In Minnesota ('05 ch.233) an act was passed regulating commitments to the State Training School for Boys and Girls and the management of the institution; children over 8 and under 17 can be committed, on verified complaint and after trial, for any crime except murder. When hearing is before a justice of the peace or municipal court, findings must be approved by the District Court; commitments to be until 21 unless sooner discharged, apprenticed, paroled or transferred by the Board of Parole.

In Washington ('05 ch.19) the law relating to the commitment of juvenile offenders to the State Reform School was amended so as to provide for the commitment of girls between 8 and 18 (formerly 16); girls to be held until 19 (formerly 18) unless sooner discharged.

In West Virginia ('05 ch.68) the act relating to the West Virginia Reform School was amended so as to provide that no two of the directors shall be from the same county. Minors under 18 (formerly 16) may be committed. In certain cases parent or guardian must reimburse the county for maintenance of inmate.

Local institutions. In Oregon ('05 ch.100) an act was passed to provide for fireproof jails. This act makes it the duty of every county, incorporated city and town that does not already possess one to provide a jail with walls of concrete, brick or stone, floors of cement, ceilings of plaster, iron or steel, roof of metal, slate or other noncombustible material, doors of iron or steel; the whole structure to be as nearly fireproof as practicable.

In West Virginia ('05 ch.72) an act was passed authorizing any county to unite with any city in said county to erect and maintain a workhouse for their general use.

In Pennsylvania ('05 ch.224) the salary of the jail physician in counties containing over 500,000 and less than 800,000 inhabitants was increased from \$800 to \$2400; and the salary of the county jailer from \$3600 to \$5000.

Discipline. Instruction. Care of sick. California ('05 ch.547) authorized the sheriff to cut the hair of a convict sentenced for a term of 15 days or over to a uniform length of 1½ inches for sanitary reasons in certain cases.

In Connecticut ('05 ch.46) a law was passed making the penalty for conveying any narcotic, liquor, weapon or means of escape into the State Prison, imprisonment not exceeding five years, or fine not exceeding \$1000, or both; conveying letters to or from prisoners is also forbidden.

In Florida ('05 p.441) the Legislature adopted a concurrent resolution, requesting the Board of Commissioners of State Institutions to have white prisoners, so far as possible, confined and worked in separate camps from colored prisoners. It was made unlawful ('05 ch.76) to chain, handcuff, or in any manner fasten white prisoners to colored prisoners.

In Kansas ('05 ch.211) an act was passed making it a misdemeanor to give any inmate of the State Industrial Reformatory tobacco, money or other articles of personal property without the consent of the superintendent, or to receive from any inmate any article belonging to said institution or the state.

In Massachusetts ('05 ch.258) giving to any prisoner in the State Farm Industrial Camp, or in any jail or house of correction, any drug or article or thing without the permission of the superintendent, master or keeper, is made punishable by a fine of not more than \$50, or imprisonment for not more than two months. An act was also passed ('05 ch.355) authorizing the prison commissioners to establish a hospital for prisoners having tubercular disease, the hospital to be on the land occupied by the temporary industrial camp.

Wisconsin ('05 ch.396) amended the provision giving ministers or persons delegated by the Young Men's Christian Association access to prisoners, by providing that the representatives of any other religious association or corporation disposed to aid in reforming the prisoners and in giving them moral and religious instruction, shall also have access to them, and by including parental schools, industrial schools, and homes for dependent children among the institutions whose inmates shall be allowed the spiritual ministration of a clergyman of the church to which they may belong.

Commitment. Transportation. Transfer. In Massachusetts the Legislature adopted a resolution ('05 r.47) instructing the Prison Commission to investigate the advisability of amending the law relative to the commitment of female prisoners convicted of minor offenses, and of requiring the more complete separation of females convicted of minor offenses from those confined for other offenses.

Convict labor. In Georgia ('05 p.1257) a resolution was adopted authorizing a joint legislative committee, of five from the House and three from the Senate, to visit, thoroughly inspect and examine, during vacation, all the convict camps, and to report to the General Assembly of 1906.

In Indiana ('05 ch.107) an act was passed regulating convict labor in the Indiana Reformatory. This act abolishes the contract system, provides for schools for instruction in the common branches and for trade schools and military drills. Goods are to be manufactured on state account and articles to be used in state institutions and in certain political divisions of the state. The manufacture of school books and school desks is forbidden; also the printing of other books or blanks, except for the use of the reformatory.

State institutions and political divisions are required to purchase supplies of the reformatory at the prices fixed by a board, consisting of the Governor, State Auditor and President of the Board of Managers, prices not to exceed the market price. The managers are authorized to sell any surplus product in the general market. The reformatory is to issue catalogues of supplies and officials are forbidden to purchase such articles elsewhere unless they can not be furnished by the reformatory. The proceeds up to \$50,000 are to be retained as a working capital. It is made a misdemeanor with a penalty not less than \$100 nor more than \$1000 for any public official to wilfully violate any provision of the act and in addition he may be removed from office.

Massachusetts ('05 ch.244) authorized the employment of inmates of penal institutions in caring for public lands and buildings in the

custody of officers, but forbidding such employment outside the precincts of the institution in doing work for private persons.

In Oregon ('05 ch.152) a law was enacted authorizing contract labor in the state penitentiaries. The contract is not to exceed 10 years, convicts are not to work over 10 hours a day, prison officials are to continue in charge of the convicts while engaged in labor, and the state is to receive not less than 35 cents a day for each convict.

Washington ('05 ch.121) placed the transportation of convicts to the penitentiary and of incorrigibles to the reform schools under the supervision of the State Board of Control.

Municipal convicts. In New Mexico ('05 ch.84) an act was passed providing that any person convicted of violation of municipal ordinance, and sentenced to imprisonment, may be compelled to work upon the public streets, or at any kind of public work within the city or town. Prisoners are to be under the control of a marshal of the city or town while so engaged.

Work on roads. In Colorado ('05 ch.86) a law was passed providing that upon the request of the county commissioners, the warden of the State Penitentiary shall detail convicts to work upon public roads, the county or city to pay all additional expenses and furnish tools.

In Illinois ('05 p.344) an act was passed in relation to convict labor on highways. This act makes it the duty of the Board of Prison Industries, upon requisition of the State Highway Commissioner, to employ convicts in the manufacture of tile and culvert pipe, and in the preparation of road-building material, to be furnished free, and in the manufacture of road machinery, tools and appliances for building and repairing roads.

In Maine ('05 ch.126) an act was passed providing for the employment of male prisoners under sentence in jails upon public highways, or in preparing materials for their construction or repair.

In New Mexico ('05 ch.7) an act was passed appropriating \$10,000 for the construction of a system of public highways in the territory and the use of convict labor on them.

Disposition of goods. In Illinois ('05 p.345) an act was passed amending the act regulating the employment of convicts. Sales of prison products may be made only to the state and public institutions owned or managed and controlled by the state, and to school and road districts of the state. The provision authorizing sales to other political divisions of the state is stricken out. The law contains a proviso that if the demands above provided shall not be

sufficient to furnish employment to all prisoners, the surplus product may be otherwise disposed of by the Board of Prison Industries. Not more than 40% of the prisoners may be employed in the manufacture of products to be sold in the open market. Crushed rock and other road material made by convicts is to be furnished free for use in permanent public roadways upon the requisition of the State Highway Commission.

Special industries. In Indiana ('05 ch.39) the Board of Control was authorized to employ convicts in the cultivation of state lands not otherwise devoted to state purposes, as well as leased lands.

In Kansas ('05 ch.478) an act was passed providing for a branch penitentiary and for an oil refinery in connection with it. This act was later held to be unconstitutional (*State v. Kelly*, 81 P.450) in that it violates the constitutional prohibition against the undertaking of works of internal improvement by the state.

In North Dakota ('05 ch. 167) an act was passed authorizing the Capitol Commissioners to utilize convict labor in the erection of a new Capitol building, and making it the duty of the warden, when requested by the Capitol Commissioners, to furnish convicts for this purpose with proper guards and attendants.

In South Dakota ('05 ch.172) the Board of Charities and Corrections was authorized to establish a hard fiber twine and cordage plant at the State Penitentiary, and also a factory for the manufacture of shirts and overalls, for which \$76,000 was appropriated. The price of binding twine is to be fixed by the warden, Board of Charities and Corrections, Governor and State Auditor, and it is to be sold only to firms and actual consumers, residents of the state. The balance left on hand after May first may be sold without limitation.

In Wisconsin ('05 p.989) the Legislature adopted a joint resolution directing the State Board of Control to make an investigation of the workings of binder twine plants in prisons in other states and make report to the Legislature of 1907.

Criminal insane. California ('05 ch.257) passed an act to establish a state hospital for insane convicts and certain insane persons charged with the commission of a felony. It is to be under the control of a board of five managers, who shall be members of the State Commission in Lunacy; managers to select a superintendent and other officers, and fix their compensation. \$40,000 was appropriated.

In Indiana ('05 ch.103) an act was passed providing for the disposition and custody of a person who becomes insane after con-

viction for a crime. When sanity is questioned at time of judgment, it shall be determined by a jury of 12; if found insane, he shall be confined in a state insane hospital; if afterwards he shall become sane, he shall be returned to custody of the sheriff and judgment be pronounced.

In Maine ('05 ch.104) an act was passed in relation to insane persons in the State Prison and in county jails. The Governor is to appoint a medical examiner for each jail. If after due inquiry any prisoner be adjudged insane, he shall be committed, if in the State Prison to the insane department of the prison, if in a county jail to one of the insane hospitals, to be maintained at the expense of the town where the prisoner resided at the time of his original commitment.

In North Carolina, the Supreme Court *in re Boyett*, 48 S. E. 789 decided that the law of 1899, providing that when a person accused of murder shall be acquitted on the ground of insanity the court may commit him to the hospital for the dangerous insane, is unconstitutional; that the act providing that a person so committed shall not be discharged except by the General Assembly is unconstitutional; and that the commitment of persons acquitted of a capital crime on the ground of insanity to a hospital for the insane, to be there confined until released by the Legislature, is unconstitutional; but that a person so confined can not be released on habeas corpus if still insane.

In Pennsylvania ('05 ch.247) an act was passed establishing a state hospital for the criminal insane. \$10,000 was appropriated for the site and \$150,000 toward construction.

Discharge. In California the sections of the Penal Code relating to the discharge of prisoners before the end of their terms ('05 ch.480) and providing for discharge of prisoners from penal institutions on Monday ('05 ch.384) were repealed.

In Connecticut ('05 ch.39) the law relating to the release of sick prisoners was amended so as to provide that any person committed to jail, becoming sick with a malignant, incurable disease, may be released by order of the State's Attorney, approved by a judge of the Superior Court or the county commissioners. Formerly only prisoners committed by a justice of the peace or by the judge of any police court could be so released.

In Kansas ('05 ch.318) the law relating to paroled prisoners was amended by providing that the recommendation for final discharge, together with the record of the conduct of the prisoner, may be sent

to the Governor, who, if he approves, shall commute the sentence and provide for restoration to citizenship. Formerly a prisoner could not be discharged except by order of the judge who sentenced him.

In Pennsylvania ('05 ch.3) the proviso prohibiting the imposing of sentence to expire between the 15th day of November and the 15th day of February was repealed.

In Tennessee ('05 ch.486) an act was passed that convicts shall receive from \$1 to \$5, in the discretion of the Prison Commissioners, upon their discharge from the penitentiary.

Identification. In California ('05 ch.399) an act was passed to create a state bureau of criminal identification, the Bertillon, the Depue and the finger print system to be used; also any system of measurements adopted in the penal institutions of the state. An additional act ('05 ch.403) requires wardens of state prisons to send to the sheriffs of the state and the bureau of identification, photographs and descriptions of convicts.

In Massachusetts ('05 ch.459) an act was passed providing for the identification of criminals; photographs, finger prints and measurements of felons to be taken according to the Bertillon system; records to be kept in the office of the Prison Commissioners.

Indeterminate sentence. In Michigan ('05 ch.184) a general indeterminate sentence law was passed: court to impose a minimum sentence of not less than six months; the maximum sentence to be the maximum penalty provided by law and to be stated by the judge in passing sentence; judge also to recommend a maximum penalty; minimum term not to exceed one half the maximum term except when fixed by law; where the maximum sentence may be for life or any number of years, the sentence to fix both minimum and maximum term, minimum not to exceed one half the maximum; authority for parole granted exclusively to the Governor in cases of murder and sundry other specified offenses, and in all other cases to the Pardon Advisory Board; paroled convicts entitled to good time, and employment to be secured before parole.

In Oregon ('05 ch.187) an act was passed providing an indeterminate sentence for any person convicted of a felony, for which the maximum punishment does not exceed 20 years. Such prisoner may be paroled by the Governor at any time after having served the minimum period provided by law for such offense, but shall not be imprisoned beyond the maximum term provided by law for the crime for which he was convicted. Clerks of courts are to send copy of the record to the Governor; and the superintendent of the

penitentiary shall make quarterly reports to the Governor of the conduct of the prisoner; parole may be revoked by the Governor.

Parole. In Indiana ('05 ch.114) an act was passed requiring the wardens to furnish parole prisoners with \$5 in money, in addition to clothing and transportation, except when such prisoner received final discharge while away from the State Prison.

In Kansas ('05 ch.316) the Governor was authorized to appoint a parole officer for the State Penitentiary, to assist in the enforcement of the indeterminate sentence and parole law.

In New Hampshire ('05 ch.67) the law relating to the release of convicts from State Prison was amended by providing for the arrest of any convict released on a permit from the Governor for violation of permit. If the justice of the Superior Court upon a hearing finds that said permit has been violated, he shall so certify to the Governor, who shall revoke the permit and the prisoner shall be remanded to prison.

In New Jersey ('05 ch.232) an act was passed establishing a parole agent for the State Prison, and defining his duties.

In Oklahoma ('05 ch.13 art.4) an act was passed providing that a prisoner sentenced from that territory to a penitentiary in another state shall be entitled to such parole and to such deduction for good behavior from his sentence as is allowed by the laws of the state in which the penitentiary is situated.

In Oregon ('05 ch.177) an act was passed giving to the Circuit Courts power to parole persons convicted of a felony for the first time, and to provide for their supervision when on parole.

In South Dakota ('05 ch.144) an act was passed providing for the parole of convicts in the penitentiary and regulating their conduct while on parole, and for their return to prison for violation of parole. Parole is to be granted on recommendation of the warden and the Board of Charities and Corrections.

In Texas ('05 ch.28) the Penitentiary Board and Board of Pardons are authorized to make rules, subject to the approval of the Governor, for the parole of meritorious prisoners who have served at least two years and not less than one fourth of their terms. The prisoner must be recommended by the superintendent, assistant superintendent and chaplain. The act is to apply only to convicts under sentence for a first conviction of felony, except convicts sentenced for rape, robbery by firearms or deadly weapon, or murder. Prisoners convicted of such offenses, except rape, may be paroled after serving 15 years; murder in the second degree after serving 10 years.

Pardons. In North Carolina ('05 ch.356) an act was passed authorizing the Governor to grant conditional pardons. If any of the conditions are violated, the convict may be rearrested and again imprisoned.

In Texas ('05 ch.48) the law relating to the Board of Pardon Advisors was amended by making it a permanent board of two members, to be appointed by the Governor and receive a salary of \$2000 each. The board is to have an office in the Capitol, and to examine and make recommendations to the Governor on all applications for pardon, giving special attention to those of long service who have no means for getting petition before the Governor.

In Wyoming ('05 ch.56) an act was passed constituting the State Board of Charities and Reform a Board of Pardons of which the Governor is to be president. It is to meet every three months, to investigate applications for pardon and make recommendations.

Probation. In California ('05 ch.579) the law relating to probation was revised and remodeled. The Superior Court is to appoint a probation committee of seven in each county, to hold office for four years without compensation. Probation officers and deputies are to be appointed by the committee subject to the approval of the Superior Court. The terms of the officers are to be two years, and they are to serve in all courts having criminal jurisdiction. The act relating to the parole of prisoners was amended ('05 ch.166) by providing that after investigation by probation officer, and report by him, the court may place the defendant upon probation in charge of probation officer, with execution of sentence of fines suspended. Probation may be revoked and judgment pronounced.

In Connecticut ('05 ch.142) the act relating to the appointment of probation officers was amended by providing that probation officers shall have opportunity to confer with the accused before his arraignment, and by authorizing suspension of sentence and probation in any case (formerly in cases of misdemeanor only). In cities over 50,000, probation officers to receive not exceeding \$4 a day, in other cities and towns not exceeding \$3. Any justice of the peace is authorized to appoint a probation officer *pro tempore*.

In Maine ('05 ch.346) an act was passed to provide a probation officer for Cumberland county. The officer is to be appointed by the municipal court of Portland on approval of the Superior Court, with a term of two years and salary of \$1000.

In Massachusetts ('05 ch.338) an act was passed providing for the appointment of female probation officers for the municipal courts of certain districts of the city of Boston. The law relating

to the suspension of sentence in criminal cases, and the placing of defendants on probation, was amended ('05 ch.338) by extending the power to suspend sentence and place on probation to police and district courts, and making it applicable to defendants sentenced to imprisonment as well as to those sentenced to pay a fine.

In Michigan ('05 ch.32) the act relating to probation officers was amended by adding a clause authorizing the court whenever satisfied that the respondent has reformed and will not thereafter pursue a life of crime, to terminate his probation and discharge him from custody.

In New Jersey ('05 ch. 203) the law relating to probation was amended by providing that a person convicted of desertion or nonsupport of wife or child may be placed upon probation; the order for weekly support, however, not to be suspended. Fines and penalties paid by the defendants are to be used for the benefit of wife or child.

In New York ('05 ch.656) the act in relation to probation officers was amended by providing that they may receive compensation when allowed by municipal ordinance, and authorizing municipal boards to compensate such officers. The amendment further provides that when a child under 16 is arrested in any part of the state (formerly in a city of the first class only) charged with any offense except a felony (formerly sundry minor offenses) the personal recognizance of the parent, without security, may be accepted for such child's appearance for trial. A law was passed ('05 ch.714) authorizing the appointment of a commission of 15 members to inquire into the operations of the probation system in the state and report to the Governor with recommendations.

Pillory. In Delaware ('05 ch.213) standing in pillory as a punishment for crime was abolished.

New York State Education Department

New York State Library

REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 29h

Libraries	Asa Wynkoop
Printing and Records	Adelaide R. Hasse
Bibliographic Notes	T. L. Cole

LIBRARIES¹

ASA WYNKOOP, NEW YORK STATE LIBRARY

In 1905 legislative sessions were held in 41 states and territories, of which 29 passed general laws directly affecting library interests. Almost uniformly the new laws aim to make more liberal provision for library work or to remove legal difficulties in the way of its extension. In only one case was there a decrease in the amount of money appropriated for library purposes, while in 19 cases increases were made. One new library commission was created and four others were enlarged either in function or scope. Provision for the founding and support of libraries was made more liberal in the case of seven states. Traveling library work was enlarged by increased appropriations in two states, and in one legal provision was made for the appointing of local boards to receive and administer such libraries. To provide better facilities for library education, one state established a permanent school of library science under the direction of the state commission, and another made legal provision for the conducting of library institutes. In some form or other the state library has received mention in the laws of nearly all the states and territories, and in 16 cases provision is made for enlarged work, additional functions, or improved equipment. School libraries also received much attention, especially in the South and newer West, where the public library is still in its infancy. In several states minute provision is made for the care and distribution of state documents, giving evidence of a widespread awakened sentiment on this subject. The act that makes the greatest innovation in library policy is that of Illinois, making provision for the

¹ See also Governors Messages and Index of Legislation, 2352.

compulsory establishment of a library pension fund in cities of a certain size. On the whole, the trend of library legislation during the year indicates that there is no cessation of public interest in the library movement, and that Legislatures are almost uniformly disposed to help along the movement so far as lies in their power.

The following gives a summary of the more important acts of the year.

Library commissions. A new state commission is created in Oregon, composed of the Governor, the Superintendent of Public Instruction, the President of the State University, the Librarian of the Portland Library; and one other person to be appointed by the Governor. The commission is to advise in all library matters, maintain a system of traveling libraries, publish lists and circulars, conduct a summer school of library instruction, and maintain a clearing house for periodicals. \$2000 is appropriated for the purposes of the commission, \$1200 of which is for salary of secretary. Michigan makes it the duty of the state commission to maintain library institutes, and makes a special appropriation for that work. Wisconsin further enlarges the work of the commission by establishing a permanent school of library science under its care, and by making the secretary of the commission a member of the commission for supplying books and periodicals to the schools of the state.

Founding, government and support. Illinois and Kansas each provide that on petition of 50 legal voters, a vote must be taken on the subject of establishing and maintaining a public library. In Illinois, the act applies to all towns, villages or townships; in Kansas, to all cities. The maximum tax rate for such libraries is fixed at 2 mills on the dollar in Illinois; at 2 mills in cities of the first class in Kansas, at 3 mills in cities of the second and third class. Library boards in Illinois are to consist of six members, two going out of office each year.

Nebraska passes an act enabling cities of 100,000 population to establish and maintain libraries, art galleries and museums, provide grounds for buildings, and receive donations and bequests for the same. Wisconsin permits the establishment of public libraries and reading rooms in *any* city, village or town, repealing the law that limited this privilege to towns of over 1000 population. Tennessee provides that a city of 6000 or over may establish a free library and reading room, by vote of the mayor and city council. The former law limited this privilege to cities of 20,000 population or over. In New Jersey, common councils are authorized to appropriate \$1000 to establish or aid a public library or reading room in any city. Any

borough, town, township or village, after majority vote in favor, may raise by taxation \$1000 annually for public library and reading room. In Pennsylvania, boroughs are authorized to contract for free use of nonsectarian public libraries, the amount to be appropriated for such a contract not to exceed a tax of 1 mill on the dollar. In Michigan, township and village boards are authorized to appoint provisional library boards to act during the interval before permanent boards are elected by the people. Permanent boards are to consist of six persons, two to be elected annually. Rules for the management of township and district libraries are to be prepared and printed by the Superintendent of Public Instruction. In California a new law requires that boards of public libraries in municipalities must meet at least once a month. Connecticut provides that any town, borough or city may appropriate money for either a site or the maintenance of a free library, whether it be the property of a private corporation or of the municipality, such appropriation to be for a term not exceeding 10 years. Minnesota has raised the maximum tax for libraries, in villages or cities of less than 50,000 population, from $1\frac{1}{2}$ to 2 mills on the dollar. Contracts to loan books to any neighboring town, city or village, regardless of county lines, are authorized.

The Governor of West Virginia recommended in his message the passage of a law providing for (1) the creation of a board of library commissioners; (2) the giving of every civic division of the state power to levy taxes for the establishment and support of public libraries; (3) a system of subsidies from the state to free public libraries, the maximum for any library being \$300 a year.

Traveling libraries. Wisconsin provides for the appointing of library boards to have the care of traveling libraries, belonging to the county or state systems, such boards to supersede the voluntary organizations which have heretofore received and cared for traveling libraries. They are to be appointed by the village or town trustees. Kansas authorizes its Traveling Library Commission to appoint a secretary at a salary of \$1200 a year, and an assistant at \$600. Colorado increases its appropriation for traveling libraries from \$1000 a year to \$1500.

Library instruction. A summer school for library study is established by Oregon and put under the charge of the state commission. Michigan makes legal provision for the conducting of library institutes, and appropriates \$3000 for this work and the organizing of libraries. The summer school heretofore maintained by

the Wisconsin Free Library Commission has been made into a permanent school of library science, an additional appropriation of \$3500 a year being made for this purpose.

State library. Pennsylvania has set apart the "executive building" for the uses of the State Library, to be occupied as soon as the new Capitol shall be ready for government officers. The scope of the library is extended so as to include a museum illustrating the botany, natural history and geology of the state. \$20,000 is appropriated for the maintenance of this museum. The State Librarian is to have charge of the editing and distributing of the state archives. The library is hereafter to be open from 9 a.m. to 9 p.m. instead of from 9 a.m. to 3 p.m. as before. The Governor's message called attention to the increased demands upon the library from those interested in hereditary societies and research and suggested that a fee of \$2 be charged by the Librarian for each certificate given. Connecticut provides for the printing annually of 2500 copies of the State Librarian's report, and requires that one original copy of all reports of legislative committee hearings transcribed by the stenographer for the use of the committee, shall be furnished to the State Librarian. The Governor in his message urged the need of a distinct fireproof building to house the more valuable treasures of the library. The Oregon State Library is placed under the exclusive control of justices of the Supreme Court. The Librarian must reside at the seat of government and give a bond of \$1000. Montana permits books belonging to the historical and miscellaneous departments of the State Library, other than reference books, to be loaned to citizens of the state, on suitable guaranty. South Dakota defines the State Library as "consisting of the library of the State Historical Society, and the miscellaneous collection of books, papers and documents hitherto in the custody of the Secretary of State, exclusive of the library of the Supreme Court." The secretary of the State Historical Society is made the State Librarian. Nevada appropriates \$40,000 from the State Library fund for the erection of a State Library and Supreme Court building. Better facilities for the territorial library were recommended by the Governor of Oklahoma in his message to the Legislature. The Governor of West Virginia urged the adoption of a systematic plan for the classification and preservation of the state archives. Substantial increases in the appropriations for state library equipment are shown by the states of Maine, Vermont, Massachusetts, Indiana, Minnesota, West Virginia and Georgia, and the territory of New Mexico. Increases in salary are made by Rhode Island, West Virginia, Missouri, Kansas and Oregon.

School libraries. Connecticut provides that the State Board of Education may furnish books and apparatus for public schools at county temporary homes, and appropriate \$10 to each such school for this purpose. Wisconsin makes provision for a mutual exchange of books between any public library and the school library of any town, village or city. The act also requires that hereafter books for school libraries shall be selected by county superintendents instead of town clerks. South Carolina provides that when \$10 shall be raised locally for establishing a public school library, or \$5 for the enlargement of such library, the state board shall in each case give a like sum for the same purpose; appropriations are limited to 25 schools a year in any one county. In Oregon, counties of less than 100,000 population are required to levy a tax of 10 cents for each child between 4 and 20 years, for school libraries, to be distributed to districts according to the number of school children. Books are to be bought from lists prepared by the State Library Commission, and loaned under their rules. County superintendents are to appoint librarians and keep complete records of books bought and prices. Montana establishes a fund for books for school libraries, but provides that in districts other than cities, maintaining a free public library and having a population of 2000 or over, such library money may, in the discretion of the school trustees, be used for paying current expenses of the schools.

Documents. Vermont requires the State Librarian to distribute specified state documents to state normal schools, high schools and academies; to the clerk of each organized town; to each register of probate; to each Supreme Court and United States district judge; and to the libraries of the University of Vermont, Middlebury College, Norwich University and the Rutland Bar Association. Pennsylvania transfers the custody of public documents, except the pamphlet laws and the legislative handbook, from the Secretary of the Commonwealth to the State Librarian, for such distribution as may be required by law. Indiana increases the number of copies of state publications that are to be delivered to the State Librarian from 150 to 200. In Kansas, the State Librarian is required to exchange state reports with other states, territories, societies and institutions. Washington provides that 300 copies of each volume of state reports be delivered to the State Library for distribution, remainders to be kept by the library.

Miscellaneous. In New Jersey, all books belonging to a city having a public library may be transferred to that library by the board having them in charge, all responsibility of such boards

ceasing with the transfer. By special act, New York authorizes the board of estimate and apportionment of New York City to contract with the three public libraries of the city, binding the city to repair and make good any damage to library buildings erected by the Carnegie gift; the board is also authorized to provide at city expense an original stock of books for any such new library building where no stock of books exists. In Illinois, cities of 100,000 population are required to establish a pension fund, to which library employees may contribute each month for 10 years a percentage of their salaries, and receive benefits on and after their retirement at the age of 55 years, or after 20 years of service; in the latter case, payment for five years will be sufficient. Illinois also increases its annual appropriation to the State Historical Library from \$3500 to \$5000, and gives \$2000 for expenses of the annual meeting of the State Historical Society. Indiana makes the wilful injuring of any public library property punishable by a fine of from \$10 to \$100. Wisconsin extends the operation of the free public lectures act, enabling boards of education to make appropriations for lectures to be given at public libraries. The appropriation for the Legislative Reference Department of this state is increased from \$2500 to \$4500. Special attention was called in the Governor's message to the work of this department, the scope of which he said was to be enlarged in the near future so as to include the drawing up of such bills as legislators may desire to present to the Legislature. Minnesota provides that deposits made with clerks of District Courts as security for fees in any action pending, which shall not be repaid within three years after the action has terminated, shall become the property of the law library of the county, if there be one. Kansas appropriates \$500 for purchasing books for the library of the State Penitentiary. California requires boards of trustees of public libraries to make annual reports to the legislative body of their municipality, and to send annually a copy of such reports to the State Library.

PUBLIC PRINTING AND RECORDS¹

ADELAIDE R. HASSE, NEW YORK PUBLIC LIBRARY

Public printing. New York, Pennsylvania and Massachusetts are the heaviest publishers among the commonwealths. Any general law, therefore, affecting the system of printing and binding obtaining in any of these states is a matter of some importance to the other states. During the session of 1905 New York and Pennsylvania each passed such a law. The former state enacted a provision ('05 ch.760) that hereafter bids for contracts of state printing are valid only upon satisfactory report on the facilities and equipment of bidders by two inspectors appointed by the State Printing Board. Pennsylvania ('05 ch.1) provides for contracts for the state printing quadrennially renewable beginning February 1905. Under the same law there is created a department of printing and binding charged with the execution of the printing and binding contracts of the commonwealth. The Superintendent of the department is appointed by the Governor for a term of four years at a salary of \$3000, and is allowed a staff of three assistants. He is given power to reject the work of contractor and to hold up orders for printing from heads of departments. Appeal from his decision may be laid before the Governor. Under the terms of the contract the commonwealth supplies all paper but no binding materials. Appended to the law is a schedule of rates for printing and binding. The same state passed, on April 17, 1905, a law to regulate the publication, binding and distribution of public documents. Copies of documents the distribution of which is not otherwise provided for are to be deposited with the State Librarian for general distribution.

Kansas ('05 ch.477) created a state printing commission with supervision over the entire state printing, legislative as well as departmental. The State Printer, who is at present elected by the Legislature in joint session, is in control of the state printing plant established under '05 ch.476, together with printing and binding stock. The purchase of the latter is made by the State Printer. Printing is executed upon requisitions from heads of departments honored by the printing commission. This body, composed of the Secretary of State, the Attorney General and the State Printer, exercises a check both on the requisitions of the heads of departments and on the purchasing power of the printer.

¹See also Governors Messages and Index of Legislation, 67 and 2363.

Connecticut ('05 ch.60) makes a fixed annual appropriation for printing and distribution of documents. This law gives to the Board of Control the entire supervision over the printing of official and departmental reports other than those issued under authority of the General Assembly. Section 2 of this law especially provides for the republication of extracts of reports or the publication of special reports on the condition that the Board of Control should deem such issues to be of practical utility. The Pennsylvania law, already quoted, prohibits such issue unless expressly authorized by law.

Washington, comparatively a limited publisher, created the office of Public Printer ('05 ch.168). This officer is appointed by the Governor to hold office at his pleasure. He is to supply all paper, stock and binding material, charge the same to the state and to render to the Governor an account of consumption. Authorities requiring printing and binding to be done are to make requisition on the Governor therefor. This requisition must accompany the printer's bill, which is paid on auditor's warrant only after having been audited by the Secretary of State. Sections 6-8 of the law determine the rates of printing and binding.

Maine ('05 ch.155) abolished the office of Public Printer, and authorized the Governor and Council to contract for the state printing on the basis of competitive bids. This state also provided ('05 ch.138) for general retrenchment in the printing of department reports, and fixed the number of copies of the collected documents at 75. Wisconsin, too, retrenched in the matter of printing ('05 ch.65), considerably reducing the number of copies of many departmental reports.

Missouri increased the number of copies of her legislative manual from 12,000 to 25,000. Texas ('05 p.400) provided for the printing of 300 copies of a legislative manual.

Pennsylvania ('05 ch.174) authorized the transfer of all accumulated documents in the office of the Secretary of the Commonwealth to the State Librarian for disposition.

A unique publication is that provided by Massachusetts, resolve 2, 1905, viz: the Bulletin of Committee Hearings. The joint committee on rules appoints a paid editor for this bulletin, which is sold at \$2 a year.

History. Records. Memorials. 96 laws relating to historical societies or commissions, public archives, preservation of scenic and historic places and to the erection of monuments were passed during 1905 by 31 states. Pennsylvania heads the list with 12 acts,

and is followed by Massachusetts with 8, Vermont, Wisconsin and Illinois with 6, Maine and New Jersey with 5, Michigan and New York with 4, Colorado, Delaware, Kansas, Minnesota, North Carolina and North Dakota with 3 each, Connecticut, Oregon, Rhode Island, South Carolina, Texas and California with 2 each, and West Virginia, Nebraska, Montana, Missouri, Florida, Georgia, Arizona, Indiana, New Mexico and Utah with 1 each.

Of the general laws the most important are those of West Virginia ('05 ch.64) establishing a bureau of state archives and history, and of Delaware ('05 ch.77) establishing a division of public records. The clause in the West Virginia act pertaining to the collecting of material is very comprehensive. Quarters are provided in the Capitol, and the Board of Public Works is made the accounting authority. An annual appropriation of \$2000, exclusive of salary of the Archivist, for the first two years, is granted.

The Delaware Division of Public Records is composed of six members appointed by the Governor for a period of two years, the members serving without compensation. The work of the division is confined to the classification and cataloguing of all historical material pertaining to Delaware prior to 1800. There is no appropriation for the work, and no provision for collecting material, although the division is authorized in its biennial report to make recommendations for the preservation of public records throughout the state.

Of other special laws on this subject the largest number related to public archives, scenic and historic places and to monuments on battlefields and for individuals. The laws relating to public archives may be divided into two classes, viz: those providing for reprints and those providing for preservation. Of the former class it may be noted that the subsidy of the Maine Wills and New York Deeds is continued. In addition Maine grants \$2000 to the State Historical Society for a reprint of early documents, charters and other state papers. This reprint is to be published by the Maine Historical Society in an annual volume of a series to be known as the "Documentary History of Maine." Pennsylvania ('05 ch.337) provides for the continuation of her already considerably voluminous Archives. A fixed sum per volume is allowed the editor of these volumes, of which an edition of 2000 is authorized. The State Librarian is made the custodian of the publication. A second act passed by Pennsylvania on this subject ('05 ch.351) extends the term of service of the commissioners appointed under act of 1887, for the publication of the province laws of Pennsylvania. An appropriation of \$8000 for two years from 1905 is made.

Michigan, while ostensibly making a grant of \$4000 a year for 1906 and 1907 respectively, to the Pioneer and Historical Society for the publication of its collections, recoups herself for the outlay by incorporating this amount in the state tax. The State Librarian is made the custodian of the publication.

Kansas, Nebraska and Wisconsin each made provision for the preservation of historical material. Kansas ('05 ch.358) authorizes the transfer to the State Historical Society of all historical material not by law required to be kept in state and county offices as part of the public records, three years after the current use of the same. A similar act was passed by Nebraska ('05 ch.157). Wisconsin ('05 ch.135) makes a minor amendment to her act of 1897 providing for the establishment and maintenance of historical museums in cities of the first and second class. The laws of the last session of Hawaii have not come to hand, but from private correspondence it is learned that the Legislature at its last session provided for a board of public archives. The duties of the board are the collection and classification and future preservation of the archives of Hawaii. The archives consist of a large number of documents of a heterogeneous nature, and extend back to the latter part of the 17th century. A building is now being erected to house these documents.

Of the remaining legislation growing out of the awakened appreciation for historic associations, that which relates to scenic and historic places and to local memorials is the most interesting. The most interesting because it expresses more genuinely a respect for the past than does legislation which is the outcome of some general patriotic movement. Of the former class of legislation may be mentioned the act of California providing for the acquisition of the Sonoma mission, the Fort Ross property and of the landing place of Fra Junipero Serra. Title to these properties is transferred to the state by W. R. Hearst, trustee of the Landmarks Fund. The act of California receding to the federal government the Yosemite Valley and the land embracing the Mariposa Big Tree Grove is generous, and will tend to preserve the grandeur of these terrains from the vandalism of tourists. Colorado provides for a state park to be located in Yuma county ('05 ch.78). Georgia passed an act ('05 p.1255) looking to the conversion into a public park of the well known resort adjacent to Tallulah Falls.

An interesting commemoration is that whereby Kansas ('05 ch.65) provides for the marking of the Santa Fe trail. Another intimately local act is that whereby Minnesota provides ('05 ch.150)

for the determination of the site where Alexander Ramsey made the treaty with the Sioux in 1851. Oregon authorizes the purchase of lands ('05 ch.18) to properly inclose the monument already erected to memorialize the organization at Old Champoeg in 1843, of the first civil government west of the Rocky mountains. Pennsylvania provides for the acquisition of additional land by the Valley Forge Commission ('05 ch.87). Texas ('05 ch.7) appropriates \$65,000 for the preservation of the Alamo church property and for the acquisition of such parts of the Alamo mission not already state property.

BIBLIOGRAPHIC NOTES ON SESSION LAWS, REVISIONS, AND CONSTITUTIONAL CONVENTION PUBLICATIONS

January 1 to December 31, 1905

T. L. COLE, STATUTE LAW BOOK CO., WASHINGTON, D. C.

Session laws

Sessions were held during the year, beginning in the months stated (all in 1905 except as stated) and printed in the number of volumes stated, in the table following:

STATES AND TERRITORIES	REGULAR ANNUAL	REGULAR BIENNIAL	EXTRA OR SPECIAL	NO. OF VOLUMES
Arizona.....	January.....	.....	1
Arkansas.....	January.....	.....	1
California.....	January.....	.....	1
Colorado.....	January.....	.....	1
Connecticut.....	January.....	.....	2
Delaware.....	January.....	Dec. 1904..	1
Florida.....	April.....	.....	1
Georgia.....	June.....	.....	.....	1
Hawaii.....	February.....	.....	1
Idaho.....	January.....	.....	1
Illinois.....	January.....	.....	1
Indiana.....	January.....	.....	1
Kansas.....	January.....	.....	1
Kentucky.....	January.....	1
Maine.....	January.....	.....	1
Massachusetts.....	January.....	.....	.....	1
Michigan.....	January.....	.....	2
Minnesota.....	January.....	.....	1
Missouri.....	January.....	.....	1
Montana.....	January.....	.....	1
Nebraska.....	January.....	.....	1
Nevada.....	January.....	.....	1
New Hampshire.....	January.....	.....	1
New Jersey.....	January.....	.....	.....	1
New Mexico.....	January.....	.....	1
New York.....	January.....	.....	June.....	2
North Carolina.....	January.....	.....	2
North Dakota.....	January.....	.....	1
Oklahoma.....	January.....	.....	1
Oregon.....	January.....	.....	2
Pennsylvania.....	January.....	.....	1
Porto Rico.....	January.....	.....	.....	1
Rhode Island.....	January.....	.....	.....	1
South Carolina.....	January.....	.....	.....	1
South Dakota.....	January.....	.....	1
Tennessee.....	January.....	.....	1

Session laws (continued)

STATES AND TERRITORIES	REGULAR ANNUAL	REGULAR BIENNIAL	EXTRA OR SPECIAL	NO. OF VOLUMES
Texas.....	January....	April (called)	62
Utah.....	January....	.....	1
Washington.....	January....	.....	1
West Virginia.....	January....	February..	1
Wisconsin.....	January....	December..	2
Wyoming.....	January....	.....	1
42 states and territories.....	7	34	6	49

a Public rv. and Special rv.

b Public rv. and Local rv.

c Public rv. and Private rv.

d General rv. and Special rv.

e General (both sessions) rv. and Special (both sessions) rv.

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Illinois. Hurd's Statutes 1905. rv. Unofficial.

Indiana. Burns' Supplement (to 1905 inclusive), v.5. rv. Unofficial.

Kansas. Dassler's Statutes (to 1905 inclusive). rv. Unofficial.

Minnesota. Revised Laws 1905 (to 1903 inclusive). rv. Official.

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Annotated Code of Civil Procedure, with amendments to the close of the Legislature of 1905, by Frank B. Gilbert. 1905.

Code of Civil Procedure, by Amasa J. Parker jr; revised by Albert J. Danaher. Ed.5. 1905.

^a Supplied by the New York State Library.

- Parson's Code of Civil Procedure, by J. C. Thomson. Ed.30. 1905.
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- Code of Criminal Procedure and Penal Code as amended; ed. by L. R. Parker. 1905.
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- Pennsylvania.** Purdon's Digest (to 1905 inclusive). Ed.13. 4v. Unofficial.
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Constitutional conventions

No constitutional conventions were held during 1905.

- Connecticut.** A proposed amendment in the form of a revised Constitution was referred by the Legislature of 1905 to the next Legislature in accordance with the provision of the present Constitution.
- Michigan.** The Legislature of 1905 submitted to popular vote in April 1906 the question of calling a constitutional convention. The proposition to hold a convention was adopted.

STATE GOVERNMENT, LAWMAKING AND ELECTIONS'

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Constitutions

No new constitution was framed in 1905. Connecticut referred to the Legislature of 1907 a proposed revision ('05 p.553) and Michigan passed a resolution for a constitutional convention, subject to popular approval in 1906 ('05 ch.325). Governor Murphy of New Jersey recommended a constitutional convention, but his view was not taken by the Legislature.

Some 17 constitutional amendments were adopted, and 11 either were rejected by popular vote or were defeated by failure to pass the Legislature a second time, in states where this is required. Of the amendments adopted, six centered around the subject of finances and involved questions of borrowing and taxation; four authorized state aid of highways or special legislation regarding road construction; three amendments touched upon elections, one authorizing the use of voting machines, and the other two changes in the date of local elections; three of the amendments affected the salary, tenure of office or powers of the judiciary. Finally, a New York amendment empowered the state Legislature to regulate wages, hours and conditions of labor employed by the state or any civil subdivision, or on any public contracts.

Of the amendments defeated, four were rejected by popular vote and the others failed to secure favorable action from a second Legislature or lapsed through lack of provision for submission to the people. Of the defeated amendments, three were concerned with suffrage, the Maryland amendment eliminating the negro vote, the Oregon amendment granting women the suffrage, and Kentucky's proposed change to viva voce voting; two others proposed modifications of the system of representation in the state Legislature. A home rule charter amendment was lost in Oregon and the state

*See also Governors Messages and Index of Legislation, 15.

referendum and state operation of public utilities in Nevada. Sixty-five amendments are now awaiting action either by the people or by a second Legislature.

Several changes were made in the direction of greater publicity regarding amendments voted on by the people. Florida provided ('05 ch.34) that constitutional amendments shall be displayed at the voting precincts on election day, and Michigan ('05 ch.23), South Dakota ('05 ch.72) and Wisconsin ('05 ch.360) for publication of amendments so as to facilitate general knowledge of the proposed measures. In Michigan at least 10 copies of the amendment, two each in Dutch, German and Polish, and four in English, must be posted conspicuously in each polling place. Idaho ('05 p.311) and Maine ('05 ch.135) required the use of a separate ballot on which constitutional amendments must be submitted.

State government

Governor. No especially notable change was made in the power of the governor in 1904. A few points are worthy of comment, although not very significant. In Rhode Island ('05 ch.1220) the governor was empowered to remove justices of the peace and notaries, provided the officer is given a copy of the charges against him and afforded an opportunity to be heard in his defense. In Wyoming the governor was authorized to remove any officer appointed by him for any reason deemed sufficient, provided the reasons for removal are filed in the office of the Secretary of State ('05 ch.59).

A distinct tendency to increase the salary of the governor is evident in three states. In Delaware the compensation of the executive was raised from \$2000 to \$4000 ('05 ch.61); in Florida from \$3500 to \$5000 ('05 ch.102); in Maine from \$2000 to \$3000 ('05 ch.56); in California a proposed constitutional amendment advances the governor's salary from \$6000 to \$10,000 ('05 p.1073).

The desirability of granting the governor power to veto specific items in appropriation bills was urged by the governors of Michigan, Oklahoma and Oregon, but no steps were taken in this direction.

The most significant changes in the governor's position were those effected by the large increase in the appointing power of the executive. Of the hundred new boards or offices created, the appointment of practically all was vested in the governor, thus widening the circle of his influence. On the other hand, the civil service laws of Illinois and Wisconsin tended to restrict the number of officers controlled by the governor.

Minor officers. Among the minor offices, that of attorney general attracted most attention. In Vermont the office of attorney general was created ('04 ch.57); in Maine ('05 ch.162) and Minnesota ('05 ch.227) the powers of this officer were materially increased. In Minnesota it was provided that the attorney general should on application give his opinion in writing to county, city, village or town attorneys on "questions of public importance" and on school matters on application of the state superintendent; and on all school affairs his opinion is made decisive, until the point in dispute is determined otherwise by the courts ('05 ch.227). Upon application of the county attorney he may appear in criminal cases in the district court. In Maine the attorney general was authorized to advise county attorneys and assist them in treason and murder cases. In Colorado ('05 ch.76) and Georgia ('05 p.94) the salary of the attorney general was increased; and in Pennsylvania was fixed at \$12,000 in lieu of miscellaneous compensations ('05 ch.237). A deputy attorney was provided in Delaware and Missouri ('05 ch.63; '05 p.50).

Considerable legislation was enacted regarding the salaries of minor officers. In California and in Oregon the retention of fees by state officers was forbidden (Cal. '05 ch.229; Or. '05 ch.68); in Vermont ('04 ch.168) reporting of all fees was required. In Connecticut a joint committee was appointed to investigate salaries and compensations of officers in the Capitol building ('05 special acts, ch. 135). The governors of Maine, New Jersey, Oregon and Pennsylvania united in condemning the fee system of payment and demanding the adoption of a fixed salary.

Civil service. Two important civil service laws were passed in 1905, in the states of Illinois ('05 p.113) and Wisconsin ('05 ch.363). The scope of the Wisconsin law is much broader than that of the Illinois statute. In Illinois the law applies only to the charitable institutions of the state; in Wisconsin practically all appointive state offices are included. The exceptions are members of educational staffs, superintendents or wardens of institutions, and legislative officers. In Wisconsin, moreover, a noncompetitive examination is required of all employees as a condition of continuance for a longer period than six months.

Removal may be made under the Illinois law for "just cause and for reasons given in writing to the commission." These reasons must be of a character such as will "promote the efficiency of the service." The accused is allowed an opportunity to answer the

charges preferred against him, and both charges and answer are placed on record. A similar provision is found in the Wisconsin law.

In both systems the administration of the law is vested in a commission of three members, appointed by the governor for a term of six years. In Illinois these officers are paid \$3000 a year; in Wisconsin, \$10 a day, not to exceed \$1000 a year. The details of administration are much more minutely marked out in the Wisconsin statute than in that of Illinois, and the rules of the Wisconsin commission are subject to veto by the governor.

With the establishment of these two systems, there are now state civil service laws in four commonwealths, namely, Illinois, Massachusetts, New York and Wisconsin. The governors of Colorado and Kansas recommended the adoption of such a system, but no legislation was forthcoming in those states.

Minor changes in civil service provisions were made in Massachusetts ('05 ch.243) to the effect that employees may be summarily suspended for 30 days from the classified service, and that Civil War veterans are not to be lowered in rank or compensation except after a hearing and on charges preferred ('05 ch.150). In Florida acceptance of rewards by officers was prohibited, except that police officers may accept a reward for the apprehension of criminals ('05 ch.45). In the cases of the powers of removal conferred upon the governors of Rhode Island ('05 ch.1220) and Wyoming ('05 ch.59) it was stipulated in each case that charges against the officer so removed must be placed on file.

New officers and boards. The year 1905 was marked by great activity in the creation of new agencies of state government. Some 104 new offices and boards were authorized in the various states. In 1903 the number was 140, including 10 boards made up of already existing state officers, and in 1904 was 40. Analysis of these new branches of government shows that the development follows the same general lines as in the last few years. Agriculture, public health, finance, industry, charities and education, are the main subjects with which such legislation deals.

Agricultural interests were represented in many instances. Six boards for the examination of veterinarians were provided in the states of Connecticut ('05 ch.183), Indiana ('05 ch.98), Maine ('05 ch.17), Missouri ('05 p.209), Nebraska ('05 ch.97) and Tennessee ('05 ch.76), while Nevada authorized the appointment of a state veterinarian ('05 ch.135). Live stock boards were created in Idaho ('05 p.39) and South Dakota ('05 ch.133), a dairy commis-

sioner in Missouri ('05 p.133) and a state dairy, food and oil commission in Wyoming ('05 ch.49). A significant step was the provision for state highway commissions or boards in the four states of Illinois ('05 p.74), Michigan ('05 ch.146), Minnesota ('05 ch.163) and Washington ('05 ch.174).¹ Forestry boards were provided in California ('05 ch.264) and Washington ('05 ch.164), and a game, fish and forestry department in Tennessee ('05 ch.455). Somewhat related to these were the New Jersey Board of Forest Park Commissioners ('05 ch.47) and the Utah State Board of Park Commissioners ('05 ch.34). North and South Dakota created boards of water commissioners (N. D. '05 ch.34; S. D. '05 ch.132), Florida a board of drainage commissioners ('05 ch.6),² and New Mexico a board of control of irrigation ('05 ch.102). The list is completed by a state board of horticulture in Wyoming ('05 ch.50), a state grain and warehouse commission in Wisconsin ('05 ch.19), and a state farmers' institute board in South Dakota ('05 ch.110).³

Interest in the protection of public health is shown by the laws providing for the Pennsylvania Department of Health ('05 ch.218); the boards for the examination or registration of embalmers in Massachusetts ('05 ch.473), North Dakota ('05 ch.111) and Oklahoma ('05 ch.36); the boards of osteopathy in Tennessee ('05 ch.255), New Mexico ('05 ch.68) and Vermont ('04 ch.134); boards for the registration of nurses in Colorado ('05 ch.136), Connecticut ('05 ch.120) and Indiana ('05 ch.46); and a state board of pharmacy in Idaho ('05 p.319). Provision was also made for a general board of medical registration in Vermont ('04 ch.133); in Florida for a state board of medical examiners to replace the former local boards ('05 ch.55); in New Mexico for a board of optometry ('05 ch.96); in Michigan for a pathologist ('05 ch.140)⁴; in Delaware for a factory and workshop inspector ('05 ch.123). Pennsylvania established a water supply commission ('05 ch.236) and New York provided for a commission to investigate the sources of water supply ('05 ch.723).

Numerous agencies of a financial or industrial character were also instituted. Boards of accountancy were formed in Florida ('05 ch.54) and Michigan ('05 ch.92). In Arizona a public examiner

¹Composed of Governor, Comptroller, Treasurer and Commissioner of Agriculture.

²Consisting of President of Agricultural College and two members of State Board of Regents. In Connecticut the State Forester was made Firewarden ('05 ch.238); in Idaho, the State Horticultural Inspector was made Bee Inspector ('05 p.170); in Delaware the State Highway Commission was abolished and a Newcastle county commission created ('05 ch.139).

³In Nebraska the State Board of Health was made State Registrar of Vital Statistics ('05 ch.98).

was authorized with power to inspect local accounts ('05 ch.40), while in Idaho the State Insurance Commissioner is made state examiner for a similar purpose ('05 p.386). In Delaware a board of state supplies was provided for ('05 ch.82).¹ In Michigan a state board of equalization was authorized ('05 ch.248)² and the State Tax Commissioners constituted a state board of assessors of transportation ('05 ch.282); in Washington a state board of tax commissioners ('05 ch.115); in Nevada a state license and bullion tax agent ('05 ch.127); in Wisconsin a treasury agent ('05 ch.490); in Vermont a board of commissioners in charge of the school funds ('04 ch.42)³—all are concerned with state revenues in various forms.

Supervision of certain industrial activities is contemplated in the Michigan Board of Commissioners to pass on the securities of savings banks ('05 ch.262),⁴ the State Banking Board of North Dakota ('05 ch.165),⁵ the State Insurance Department of New Mexico ('05 ch.5). Closely related are the Railroad Commissions of Indiana ('05 ch.53) and Washington ('05 ch.81); and in the same group are included the Oil Inspectors of New Mexico ('05 ch.66) and Washington ('05 ch.161), the Gas and Electric Light Commissioners of New York ('05 ch.737), the Inspector of Weights and Measures in North Dakota ('05 ch.194). In West Virginia a department of mines was created ('05 ch.46) and in Wyoming a department of mining statistics ('05 ch.92).

In the educational field there was also considerable activity. In Florida the Legislature authorized a board of control of state educational institutions ('05 ch.13). Boards of law examiners were provided in Missouri ('05 p.48) and North Dakota ('05 ch.50). Wisconsin created a committee to award contracts for books to schools under the township library law ('05 ch.243).⁶ Oregon added a state library commission ('05 ch.44),⁷ West Virginia a bureau of archives and history ('05 ch.64), Delaware a division of public records ('05 ch. 77).⁸ Related to this group are the geological surveys of Illinois

¹Consisting of Governor, Secretary of State and Treasurer.

²Made up of a series of state officers, ex officio.

³Composed of state officers, ex officio.

⁴Made up of Commissioner of State Banking Department, Attorney General and State Treasurer.

⁵Consisting of Governor, Secretary of State and Attorney General.

⁶Consisting of State Superintendent of Public Instruction, Secretary of Wisconsin Free Library Commission and Attorney General.

⁷Consisting of Governor of State, Superintendent of Public Instruction, President of State University and Librarian of Portland Library Association.

⁸In North Dakota the State Historical Society is made a trustee for the State ('05 ch.25); in South Dakota the secretary of a similar society is made State (Librarian ('05 ch.164).

('05 p.30) and North Carolina ('05 ch.542), the Survey Commission of Oklahoma ('05 ch.35)¹ and the Entomologist of South Dakota ('05 ch. 131). Under this head might be placed the Public Printers authorized in Pennsylvania ('05 ch.1) and Washington ('05 ch.168).

In the list of charitable agencies a number of new offices appear. A state commissioner of charities and corrections was authorized by New Jersey ('05 ch.57); in Minnesota ('05 ch.316) and Michigan ('05 ch.37)² provision was made for employment bureaus in cities of 50,000; and in Minnesota the Society for the Prevention of Cruelty was made the State Bureau of Child and Animal Protection ('05 ch.274). In Kansas the old Board of Trustees of State Charities and Corrections was replaced by a Board of Control of State Charitable Institutions ('05 ch.475). In Wyoming ('05 ch.56) the Board of Charities and Reform was constituted a board of pardons.

In the states of Illinois ('05 p.113) and Wisconsin ('05 ch.363) a very important step was taken in the provision made for State Civil Service Commissioners. Of great importance also was the State Police Department organized in Pennsylvania ('05 ch.227).

Of a general character are the Washington Commission on Uniform Legislation ('05 ch.59); the Voting Machine Commissions of Colorado ('05 ch.101), Minnesota ('05 ch.267), Nebraska ('05 ch.67) and Utah ('05 ch.85); the three Armory Boards of Pennsylvania ('05 ch.307), Utah ('05 ch.43) and West Virginia ('05 ch.47)³; the Fair Commissioners of Wyoming ('05 ch.48) and Arizona ('05 ch. 64); the Appomattox Court House Commission of North Carolina ('05 ch.10) and the Capon Springs Commission of West Virginia ('05 ch.65). In Vermont the office of Attorney General was created ('04 ch.57) and in California a bureau of criminal identification ('05 ch.399).

Temporary boards. In addition to these permanent offices, some 54 temporary boards were provided for. Of these there are many whose duties concern public memorials of some kind; others relate to various expositions; others are for the purpose of supervising the construction of some public building, and the remainder are of a miscellaneous character. There were also 64 committees or commissions appointed for the purpose of making certain special investigations. Thirteen of these were joint legislative committees; in other cases commissioners were designated by the Legislature, appointed by the governor, or an investigation required of some

¹Consisting of Governor, Attorney General and Secretary of Board of Agriculture.

²Under direction of Commissioner of Labor.

³These armory boards consist of state officers assigned such duty.

branch of the state government. These inquiries cover a very broad range of subjects. Clams, oysters, lobsters, terrapin, prisons, probation systems, convicts, charitable institutions of various types, taxation, railroad rates, gas rates, telephone rates, irrigation, water ways, water rights are among the topics included.

Institutions. Provision was also made for the establishment of 32 state institutions. These include 6 establishments for the insane, 5 for the care of tubercular patients, 4 bacteriological laboratories, 4 agricultural schools or experiment stations, and 3 normal schools

Abolition of boards. The number of boards or offices abolished during 1904 was almost a negligible quantity when compared with the large number established. Aside from minor changes in the process of reorganization, there were only a few offices discontinued. These were the Board of Examiners of Barbers in Kansas ('05 ch.70), the State Architect of Nebraska ('05 ch.149), the Silk Commissioner of Utah ('05 ch.59), and the Florida State Commissioner of Fisheries ('05 ch.59).

Centralization. Evidences of a centralizing tendency in state administration are apparent in the legislation of 1905. In the first place, the increase in the state functions of inspection and supervision, noted in previous years, continues its uninterrupted course. This extension is particularly noticeable in the fields of public health and of industrial relations. The development of state administrative authority over local affairs is also a conspicuous characteristic of the year's movement, and there are some cases of consolidation of state boards.

In Florida a state board of medical examiners takes the place of the former district boards, eight in number ('05 ch.55). In Pennsylvania a department of health has been created, with important powers over the local authorities ('05 ch.218). Other evidences of a centralizing tendency are seen in connection with state finances. In Idaho the State Insurance Commissioner is made State Examiner with power to enforce a uniform system of bookkeeping upon state and county officers ('05 p.386); in Nevada a state license and bullion tax agent is authorized to examine county tax returns and inspect the books of mining corporations for taxing purposes ('05 ch.127). In Wisconsin a treasury agent is empowered to collect the license fees required of transient merchants in that state ('05 ch.490).

By far the most conspicuous evidence of centralization is found in the creation of the State Police of Pennsylvania. The force is to consist of four companies of 57 men each, under the general

charge of the Superintendent of State Police, an officer appointed by the Governor for a term of four years. Their duties are to cooperate with the local authorities "in detecting crime and apprehending criminals and preserving the law and order throughout the state." They have all of the powers of a member of the police force or a constable; they may make arrests, serve and execute warrants issued by local authorities, and also act as forest, fire, game and fish wardens. This step is a highly significant one, as it is a move in the development of administrative machinery for the enforcement of state law. New Mexico ('05 ch.9) also organized a company of mounted police. At present Pennsylvania, Massachusetts and Connecticut possess a regular state constabulary for general purposes. Arizona, New Mexico and Texas have a force of State Rangers for the protection of the frontier and the suppression of lawlessness. State administrative officers for the enforcement of some particular branch of state law in localities are by no means uncommon, as, for example, in South Carolina and New York, in the case of the liquor law.

Within the state government itself there is some evidence of a tendency to consolidate. In Kansas ('05 ch.475) the Board of Charities and Corrections is superseded by a state board of control. The membership is decreased from five to three, the salary of members is increased and broader powers are conferred upon them. Financial control is centered closely in this board, especially in the purchase of supplies. In Florida a board of control of state educational institutions has been organized with jurisdiction over the University of Florida, the Florida Female College, the Colored Normal Institute for Blind, Deaf and Dumb ('05 ch.13). In Wyoming the offices of Register, Chief Clerk and State Land Inspector have been consolidated in the Commissioner of Public Lands ('05 ch.36). Consolidation of state boards was suggested by Governors Roberts of Connecticut and Cutler of Utah, and a state board of control was recommended by the governors of Indiana, Kansas and North Dakota.

Conclusion. On the whole, the same general tendencies are at work as have been noted in previous annual reviews. The multiplication of the number of state agencies, agricultural, commercial, sanitary, educational and charitable in character, goes steadily on. In round numbers 300 such boards or officers have been created within the last three years. A development toward consolidation of branches of state government may be discovered, but this is not strong enough to affect the indiscriminate increase of state agencies.

State control over local administration is slowly being worked out, the creation of a state police force in Pennsylvania and New Mexico being especially important. The passage of civil service laws in Wisconsin and Illinois is probably the most significant event of the year. This legislation indicates a pronounced tendency to place state officers under the merit system. The recognition of this principle in the great states of Massachusetts, New York, Illinois and Wisconsin, where the typical modern urban and industrial forces are dominant, argues strongly for the future success of the movement. Finally it should be observed that of these new offices and boards scarcely any are made elective, but the power of appointment is generally vested in the governor of the state. In this way the great danger of increasing elective offices to the point where democracy defeats itself is being averted.

Lawmaking

Legislation regarding the structure of the lawmaking bodies and the nature of the lawmaking process covered a number of important points during 1905, although no changes of fundamental importance were made.

In California ('05 p.1075) and Texas ('05 p.412) constitutional amendments were initiated, providing in each case for the payment of a fixed salary of \$1000 per regular session in place of a daily allowance of \$8 in California and \$5 in Texas.

The Rhode Island constitutional amendment ('05 ch.1212) authorizing a more equitable division of representation in place of the antiquated town system was rejected, and the governors of Connecticut and Vermont opposed change in the archaic systems of those states. The defeat of recent attempts to reform the representative system of Connecticut, New Hampshire, and now of Rhode Island, indicates the strength of the forces to be overcome before the principles of equal numerical representation can be fully established in the New England States.

Election of United States senators. The Legislatures of Kansas, Missouri, Montana, Nevada and Tennessee requested Congress to call a constitutional convention to consider the election of United States senators by popular vote. Of these, however, all had previously passed a similar resolution. Including these five states, 23 of the commonwealths have petitioned Congress for the calling of such a convention: in 1893 Nebraska; in 1899 Texas; in 1901 Arkansas, Colorado, Michigan, Missouri, Montana, Nevada, North Carolina, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming; in 1902 Kentucky; in 1903

in addition to previous ratifications, California, Idaho, Illinois and Wisconsin; in 1904 Iowa. On petition of 30 states, Congress must call a constitutional convention; and apparently seven new ratifications would bring about such a result. It seems more likely, however, that the popular election of United States senators will be realized by means of the direct primary and advisory popular vote on senators after the Oregon and Wisconsin models, or that generally prevalent in the Southern States.¹

Officers. An important development of the year was the legislation regarding the officers and employees of the Legislature. In Wisconsin an act was passed regulating the number and salary of legislative employees ('05 ch.4); in Nebraska the number of Senate employees was fixed ('05 ch.91); in Pennsylvania a similar act was passed ('05 ch.108). In Michigan it was provided that the clerks of the judiciary committee in the House and Senate must be lawyers of at least five years' experience in the state, and that the Senate stenographers must have had at least three years' experience ('05 ch.255). In Colorado it was provided that clerks (with a few exceptions) must be competent stenographers ('05 ch.109).

A New York act provides that either house, or a legislative committee, may compel the production, upon reasonable notice, of "any material books, papers or documents"; or the production of "any such books, papers or documents in a legislative proceeding, inquiry or investigation" ('05 ch.23).

Bills. A statute clerk is provided for in Pennsylvania ('05 ch.234). The law requires that he shall be "a person skilled in punctuation, proof-reading and indexing," and he is to punctuate laws, read the proof and index them. When requested, he is to assist members in the preparation of bills; as soon as bills are presented, he is required to examine them and call the attention of members to errors of typography or construction. In Wyoming a legislative bill clerk was authorized, and charged with the duty of receiving, distributing and mailing all bills ('05 ch.5).

In three states steps were taken in regard to the engrossment of bills. In Delaware ('05 ch.10) during the last seven days of the session any bill having passed a second reading may be *printed*. The preamble to the bill states that the volume of business during the last few days of the session makes it "impossible for the enrolling clerks to personally engross the bills coming into their hands." Similar action for similar reasons, although the period is not limited to seven days, was taken in Minnesota ('05 ch.153). In New

¹See "The Election of Senators," by George H. Haynes.

Hampshire the Secretary of State was authorized either to type-write, or to engross, all laws passed by the Legislature ('05 ch.6). A Wisconsin statute provided that all bills shall be presented to the Governor in printed form, and not enrolled as at present ('05 ch.2). Another Wisconsin law requires that copies of all bills introduced shall be sent to each county clerk, normal school, college and public library in the state ('05 ch.515).

Lobbying.¹ The prohibition of "lobbying" was extended in Minnesota ('05 ch.31-32) so as to exclude interference not only with members, but with *members elect* as well. In Wisconsin a drastic anti-lobbying provision has been added to the law of 1899 ('05 ch.472). An important feature of this law is that lobbyists, who are defined as those "employed for a pecuniary consideration to act as a legislative counsel or legislative agent," may deliver no written statements to members of the Legislature without first depositing with the Secretary of State 25 copies of each such statement. Lobbyists are furthermore specifically limited in influencing members in regard to legislation, to appearance before committees, newspaper articles, public addresses, and written or printed statements, arguments or briefs. The general evils of lobbying were denounced by the governors of Indiana, Missouri, Nebraska, New Mexico, Oklahoma and West Virginia, but no action was taken in those states.

Drastic laws against lobbying are now found in Wisconsin (1898), Maryland (1900) and Massachusetts (1902). The main features of these laws are the registration of "legislative agents," or legal counsel, employed in connection with any legislation, publicity of the docket containing this information, and the requirement that within 30 days after the adjournment of the Legislature a sworn statement shall be made of the expenses incurred in the employment of such agents. Numerous other states have laws (constitutional or statutory) forbidding solicitation or bribery of legislators, or declaring lobbying to be a crime.

Special legislation. In Kansas a constitutional amendment has been proposed ('05 ch.543) providing that the question of whether a given law violates the constitutional prohibition of special legislation shall be determined by the courts. To the constitutional prohibition of 1859 there is added, "and whether or not a law enacted is repugnant to this provision of the Constitution shall be construed and determined by the courts of the state." The mes-

¹See "Lobbying" by Margaret A. Schaffner, in Wisconsin Comparative Legislation Bulletin no. 2.

sage of the Governor of New Jersey contained a recommendation of a system permitting special legislation at discretion of the Legislature, but in Tennessee, Michigan and New York, special legislation was condemned.

Direct legislation. Direct legislation made progress during the year in Delaware and Montana. In Delaware ('05 ch.53) the Legislature of 1905 passed an act providing that in the November election of 1906 the following questions should be submitted to a popular vote: "Shall the General Assembly of the state of Delaware provide a system of advisory initiative and advisory referendum?" In Montana a constitutional amendment ('05 ch.61) is to be voted on in 1906. This provides for the initiative on state affairs on petition of 8% of the voters, with the provision that two fifths of the whole number of counties contribute 8% of county vote. The referendum must be granted on petition of 5% provided two fifths of the counties furnish 5% each, or a referendum may be required by the Legislature itself. Laws relating to appropriations, constitutional amendments, and local or special laws are excepted from the initiative, and to this class of exceptions in the case of the referendum are added laws necessary to immediate preservation of the public peace, health and safety.

It is also provided that the veto of the Governor shall not extend to measures referred to the people by the Legislature or by initiative-referendum petition. Measures adopted may be suspended by petition of 15% of the legal voters of a majority of the counties of the state until an election has been held and the result determined by popular vote.

Sessions. The proposed constitutional amendment in South Carolina providing for biennial instead of annual sessions of the Legislature, which was adopted by the people in November 1904, was not ratified by the Legislature¹ of 1905 but instead the Legislature postponed action by providing for the appointment of a committee to see what other constitutional or statutory changes would be necessary in order to effect the change from annual to biennial sessions. Should South Carolina change to biennial sessions there would be only five states with annual sessions, namely, Georgia, Massachusetts, New Jersey, New York and Rhode Island. In all other states the sessions are biennial, except in Alabama,

¹In South Carolina constitutional amendments must be submitted by the Legislature, adopted by vote of the people and then ratified by the Legislature.

where the Legislature assembles regularly once in four years. The regular session of the Mississippi Legislature is also held quadrennially, but a special session is held in the middle of this period.

Civil rights. Two important measures affecting civil rights were passed in 1905. One was the California law ('05 ch.413) which declares that all citizens "are entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating houses, barber shops, bath houses, theaters, skating rinks, and all other places of public accommodation or amusement." In Connecticut, a racial discrimination in the use of public accommodations is prohibited ('05 ch.111). In Oregon, however, the constitutional amendment permitting negroes to reside in the state, passed by the Legislatures of 1901 and 1903, remains without provision for submission ('01 p.479).

In three states acts were passed regarding the restoration to citizenship of those convicted of an infamous crime. The California law authorizes the Governor to pardon a criminal with or without restoration to citizenship and permits restoration to citizenship at any time thereafter ('05 ch.398). The North Carolina law permits the restoration to citizenship in cases where the court has suspended judgment ('05 ch.547); the Wyoming statute authorizes the Governor to restore to citizenship on petition of 25 freeholders, cognizant of the habits of the petitioner since his discharge from the penitentiary, or on a statement from the warden of the penitentiary showing exemplary conduct during term of confinement ('05 ch.18).

Elections. Political parties

Suffrage. New Hampshire ('05 ch.53) provided for the application of the suffrage qualifications adopted in 1903, by requiring the supervisors to administer the educational test. Five lines of the New Hampshire Constitution, drawn by lot, must be read by the intending voter, and one line must be written and signed. An important Wyoming act ('05 ch.88) permits electors necessarily absent from home on election day to vote in any precinct in the state. On presentation of a registration certificate or an affidavit made before the county clerk of his county, and on administration of oath to the effect that the voter is unavoidably absent from his own precinct, he is given a ballot and may legally vote for county, district and state officers, members of Congress and presidential electors. Each such ballot is sealed in an envelop and returned to the county clerk of the voter's home county, to be counted on the day when the votes are canvassed by the county board. On

this occasion any two electors from the voter's home precinct may appear and challenge his right to vote. Since 1857 Oregon has authorized electors to vote "in any county in the state for state officers, or in any county of a congressional district in which such electors may reside, for members of Congress" (Const. art.2 § 17).

A proposed constitutional amendment in Wisconsin provides that alien suffrage shall be extended only to those who before 1908 have declared their intentions of becoming citizens ('05 p.994). The attempt to introduce the "grandfather" and "understanding" clauses into the Maryland Constitution was defeated by popular vote after a vigorous campaign ('04 ch.96); in Oregon, the woman's suffrage amendment passed by the Legislature of 1903 ('03 p.37 ex. sess.) was not repassed and hence failed of adoption.

Elections. The general election law of Oklahoma was remodeled and made more complete, especially in the provisions regarding the canvass of ballots ('05 ch.17). A New York law specifically authorized the Superintendent of Elections to call on any sheriff, deputy sheriff or election officer for assistance in the enforcement of the law ('05 ch.689). Provisions regarding lodging house registrations are made more stringent. Hereafter reports are to contain not merely the names of lodgers, but "a detailed description of the premises," a statement as to what part of the building is used for lodging purposes; if more than one building on the premises, which one is used; names of all employees and persons living on the premises, including the landlord and his family. Provision is also made for a card catalogue of registrations to be provided by the Secretary of the State, and delivered to the Superintendent of Elections.

A revision of the general election law was made in Texas, but without material modification of the present requirements ('05 ch.11 ex. sess.). Additional provision is made for nonpartizan and independent candidates (§94-98). Participation in a primary acts, however, as a bar to signature of the nominating petition for an independent candidate.

A number of minor changes were made in several states, and two, Connecticut ('05 special acts ch.499) and Rhode Island ('05 r.91) authorized investigation of the subject of primary and election laws by a commission or committee appointed for that purpose.

Corrupt practices.¹ Legislation directed against corrupt practices in elections was widespread during 1905. Material changes

¹See *Proceedings of American Political Science Association*, 2:171, Wisconsin Comparative Legislation Bulletin no. 3.

were made in the laws of numerous states, and in Connecticut a new and sweeping enactment was carried through the legislative body. The governors of Arizona, Colorado, Florida, Idaho and West Virginia recommend legislation in this direction.

In California the provisions of the general law were made applicable to primary elections as well ('05 ch.41). In Indiana ('05 ch.158) the use of money, directly or indirectly, to induce any person to vote or to refrain from voting was made punishable by a fine of not more than \$50 and disfranchisement and incapacity to hold office for a period of 10 years. A like penalty is inflicted on the recipient of a bribe. Immunity is guaranteed to witnesses testifying in such cases. Under the old law (1899) the sale of a vote was punishable, but not the purchase. New Jersey ('05 ch.118) added a series of penalties in support of the election law. These include any failure to perform an official duty in connection with the primaries, as: aiding in illegal registration; illegal voting or advising or abetting the same; defacing ballots; tampering with ballot box or voting machines. New York also added a few offenses, such as removing the public copy of the registration book ('05 ch.625). West Virginia ('05 ch.43) made offering or receiving a bribe a misdemeanor, and also solicitation of money from a candidate either in an election or a primary.

In Connecticut a thoroughgoing corrupt practices act was passed ('05 ch.280). This law provided that election expenses during a period of six months prior to election shall be paid only by an authorized "election agent," except that the candidate may pay for postage, telegraph, telephone, stationery, printing, express and traveling expenses. All other payments for campaign purposes must be made through the election agent. Even this officer is limited, however, to seven classes of expenditure, namely: (1) public halls, music and advertising; (2) printing and circulating newspapers, pamphlets and books; (3) printing and distributing ballots and posters; (4) renting rooms for committees; (5) payment of clerks and others occupied in committee rooms and at the polls; (6) traveling expenses of agents, committees or speakers; (7) postage, telegraph, telephone, printing, express and conveyance.

Within 15 days after the election the candidate must file a sworn statement, containing all items of expenditure and indicating from whom all revenues were received and to whom and for what purpose all expenditures were made. Failure to make such a statement is penalized by forfeiture of the emoluments of office during the term for which elected. If a candidate is proven guilty

in person, the election is invalidated and the offender disqualified from holding office for four years. If only the agent is guilty or the offense is shown to be "of a trivial, unimportant and limited character" ineligibility does not follow.

Inquiry may be instituted on complaint of the States Attorney, by any state referee, judge of the Superior Court or judge of any Court of Common Pleas; or inquiry may be made on complaint of any elector or voter to any judge of the Superior Court. In case the allegations of the petitioner are found to be materially untrue, or his petition brought from vexatious or malicious motives, he may be taxed as high as quadruple costs.

South Carolina ('05 ch.473) required every candidate in a primary election before entering on his campaign to file with the clerk of the Court of Common Pleas in the county where he is a candidate, a pledge to the effect that he "will not give nor spend money or use intoxicating liquors for the purpose of obtaining or influencing votes," and at the conclusion of the campaign and before the primary election will render a sworn and itemized statement of all money spent during the campaign. Another statement must be made showing all further money spent in the regular election. Failure to file such statement renders the election void in so far as the delinquent candidate is concerned.

Important changes in the Wisconsin system were the extension of the corrupt practices act to cover party primaries, the provision that financial statements must cover sums *promised* as well as *paid* during a campaign ('05 ch.502) and a general prohibition of contributions by corporations to campaign funds ('05 ch.492). The important part of the corporation clause reads as follows:

No corporation doing business in the state shall pay or contribute, or offer, consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office.

The penalty for violation of the law is a fine of from \$100 to \$500, or imprisonment for from one to five years, or both. If the corporation is subject to penalty, then the fine may be doubled; if a domestic corporation, it may be dissolved.

Corporations organized for pecuniary profit are forbidden by a Minnesota law to make contributions for the aiding in the nomination or election of any person or persons ('05 ch.291). The Texas

statute of 1903 was also modified by provision to the effect ('05 ch. 11 ex. sess.) that paid political material in newspapers shall be labeled as advertising, and that only regular advertising rates shall be paid. If any editor or manager of a paper shall demand or receive anything for publishing editorial matter for or against any candidate or proposition, he is liable to fine or imprisonment. If the offense is committed by the president of a corporation or by any officer with the consent of its president, the charter of the corporation shall be forfeited. Georgia made *offering* to buy or sell or contributing money to buy or sell a vote in a primary election a misdemeanor ('05 p. 111).

There are now 13 states and territories in which corrupt practices acts are on the statute books. These are New York (1890), Colorado (1891), Massachusetts (1892), California (1893), Missouri (1893), Arizona (1895), Minnesota (1895), Montana (1895), Wisconsin (1897), Nebraska (1899), Virginia (1904), Connecticut (1905) and Texas (1905). Similar laws have been enacted and repealed in seven states. These are Nevada (1895, repealed 1899); North Carolina (1895, repealed 1897); Utah (1896, repealed 1897); Ohio (1896, repealed 1902); Michigan (1891, repealed 1901); Kansas (1893, repealed 1903). All states have laws prohibiting bribery in elections, but in only a few cases is an attempt made to specify forbidden subjects or objects of expenditure. The characteristic features of the corrupt practices acts may be summed up as the requirement of publicity in regard to campaign revenues and expenses, and the enumeration of specific objects of legitimate election expense, with provision for proper enforcement of these regulations. In some states an attempt is made to limit expenditures to an amount proportioned to the size of the constituency, as in Minnesota, where the expense for 5000 voters may not exceed \$250; for each 100 voters above 5000 and under 25,000, \$2; for each 100 between 25,000 and 100,000, \$1 each; and above 100,000, 50 cents each. A similar law, with a different scale of expenditure, is found in Missouri. In many other cases specific prohibition of contributions by corporations is a part of the law. Of the numerous laws on the books, those of Connecticut and Wisconsin are most complete and thoroughgoing.

Primary elections. In the history of primary elections 1905 was a notable year. No less than 23 states enacted either partial or complete primary laws, and eight Legislatures framed laws that radically changed the character of the party nominating system.

These laws may be grouped under four main heads. The first leaves the conduct of primaries to the party itself, the second provides for very mild regulation of primaries, the third for comparatively complete regulation, but leaves the whole law optional with the parties, and the fourth class includes laws that are fairly complete and are compulsory. Of the first type, is the South Carolina law of 1905 (ch.409) which declares that primary elections shall be conducted according to the constitution and rules of the political party in question. This recognition of the party as the proper agency for administration of party law is a characteristic feature of the southern systems, and stands out in striking contrast with the more general plan of outlining rather minutely in the law the details of a party election.

Of the second type are the Vermont ('04 ch.2) and Arizona laws ('05 ch.68). In Vermont provision is made for holding all party caucuses on the same day; for the use of a check list in caucuses, if requested by 5% of the voters; for the use of ballots of uniform size and color, as furnished by the party committee; and it makes certain offenses punishable. Similarly the Arizona law ('05 ch.68) is restricted to a few subjects. It provides for public notice of the proposed primary and for sworn judges, while the general election laws in regard to bribery and fraud are made applicable to primaries. The scope of the law is limited to county, city and precinct primaries.

Of the optional type are the laws of Michigan, Montana and Oklahoma. The Michigan act ('05 ch. 181) applies to city, county, legislative and congressional district primaries, if adopted by any party in such a district. It applies to the nomination of governor and lieutenant governor, in case the state referendum in June 1906 on the question of a state direct primary is favorable to its adoption. In fact the law provides that candidates may be voted upon at the June primary election (1906), and if the primary law is adopted at this time the candidates so chosen are declared regular nominees. The Michigan statute provides for a party enrolment, fixes a uniform primary day, the first Tuesday in September,¹ for fall elections and the second Tuesday preceding a spring election. Names are placed upon the ballot by petition of 2% of the party voters and the ballot is officially prepared. A plurality is sufficient to nominate, except in the case of state officers, when a minimum of 40% of the vote cast is requisite for the nomination.

¹In the case of a delegate primary, the second Tuesday in June.

If this minimum percentage is not obtained, the choice of candidates devolves upon the state convention. All the safeguards of a general election are placed around the primary. Alpena, Kent, Muskegon and Wayne counties are excepted from the operation of this law so far as local nominations are concerned.

In Montana a primary law was enacted applying to elective county and city officers and to choice of delegates to the county convention ('05 ch.99). The law is optional, however, with the electors of counties and cities. The general election law is extended to the conduct of primaries where possible; a separate official ballot is provided for each party, and even a nonpartizan ballot may be furnished. Candidates are chosen by a plurality vote.

Another optional mode of regulation is offered in the Oklahoma law ('05 ch.17). This provides a scheme of state control of primaries, but leaves the option of accepting or rejecting these regulations with the central committee, state or local, of each party. If the law is adopted, the direct nomination plan is followed unless the committee decides otherwise. In case the primary law is applied to municipal offices, the protection of the general election law is thrown around its operation.

A fourth group includes laws fairly complete and compulsory.

General primary laws were enacted in Illinois ('05 p.211), North Dakota ('05 ch.109) and South Dakota ('05 ch.107), in which states there has been practically no compulsory provision for the legal regulation of party primaries. The Illinois law ('05 p.211) provided for compulsory application of the new system to the entire state, in place of optional adoption by counties as under the old law; for the holding of all primaries on the same day; and for the application to the primary of most of the provisions of the general election law. The Australian ballot system was not included, however. Certain direct primary features were also embodied in the law. Nominations for United States senator and for governor might be placed on the ballot and voted on at the primaries, although the vote on United States senator could of course have no legally binding effect. In the case of the governor, the candidate receiving the highest number of votes in any county was given the vote of all the delegates from that county: or in Cook county from that primary district. The same plan was followed in the case of congressmen and members of the state Legislature and for mayor and aldermen in Chicago. Outside Cook county a direct primary was provided for county offices, and the County Central Committee might determine whether a majority or a plurality

should nominate. If a majority vote was required and no candidate received such a proportion, then choice was to be made by the delegates chosen at the same primary¹.

The South Dakota law ('05 ch.107) provides for a state regulated primary. The delegate plan is followed in general, but the county convention of any party may decide to choose candidates for county offices and state Legislature by means of a direct vote. In such case, however, a candidate must receive a majority of votes polled; otherwise the delegates to the convention will decide the issue. Balloting under the South Dakota law is secret, but the ballots are privately printed on paper furnished by the county. Detailed provisions are made regarding the choice of various classes of committeemen. A number of penalties for offenses similar to those condemned under the election law are provided, but there is no general application of these safeguards.

The North Dakota law ('05 ch.109) applies to county and city offices, to the state Legislature, and to the choice of delegates to state and judicial district conventions. In general, the provisions of the election law are brought over into the primary. Names may be placed on the ballot by petition accompanied by a deposit of 2% of the prospective salary or emoluments of office. Delegates, however, pay no fees. The Australian ballot is used, but with a separate ticket for each party. In all district nominations, including cities of over 5000, nominations are made by direct plurality vote. A unique feature of this law is the requirement that nominations in convention must be made by secret ballot. The unit rule in the several counties is also forbidden (§8).

The Texas law of 1905 (ch. 11 ex. sess.), amending the act of 1903, provides for a combination of delegate and direct vote features. In counties nominations are made by direct vote, under the plurality or the majority system, as the party committee may decide. In other cases candidates are voted upon directly and at the same time delegates are chosen. In the convention following, each candidate receives the vote of the delegates from the districts in which he polled a majority of the votes cast, and a proportionate share of the delegates in districts where no candidate has received a majority. If no candidate receives a majority of all

¹This law was declared unconstitutional in the case of *People ex rel. Charles Brecknen v. Board of Election Commissioners*. Among the features of the law to which exception was taken were the requirement of a fee from candidates, the delegation to party committees of the power to decide whether nomination should be made by plurality or majority, the discrimination involved in requiring a party to poll 20% of the vote in Cook county and only 10% elsewhere in order to hold a primary.

the votes in this convention, then the lowest on the list is dropped and balloting continues until a choice is made. When a candidate is dropped, his delegates are released.

It is also made the duty of the state convention to nominate a state committee of 31 members, one for each senatorial district on the nomination of the delegates from such districts. This is of course a common custom, but not frequently required by the law.

An interesting feature of the Texas statute is the provision that on application of 10% of the party voters any question or proposition of public or party policy must be submitted to a vote at the party primary¹. Delegates from the various districts are bound by the vote of the district on any such proposition (§140).

As under the law of 1903, the primaries are conducted under party auspices. Ballots are printed and judges provided by the party, and returns are made to party authorities, who canvass the vote and decide contested elections. The expense of elections is charged to the candidates and apportioned in a manner "just and equitable, giving due consideration to the importance and emoluments of each such office for which a nomination is to be made" (§111).

A number of minor acts were passed in various states. These laws are limited in their local application or are amendments of existing systems. A Nebraska law ('05 ch.66), applying to counties having a population of 125,000, includes the choice of all candidates for local elective office, of delegates to district and state conventions, and the choice of party committeemen. The provisions of the general election law apply as far as possible. Names are placed upon the ballot on application by the candidate, but a fee computed at 1% of the emoluments of the office must be paid, except in the case of delegates. Candidates are elected by direct vote, only a plurality being required. Provision is also made for the direct election of party committeemen by the voters of each party.

In Indiana a primary law ('05 ch.73) was passed for counties containing a city between 36,500 and 43,000 population. This includes only Vigo county, in which the city of Terre Haute is located. The provisions of the general election law are applied as far as possible. The primary ballot contains the names of all candidates of both parties. Party committeemen are chosen at the primary under this statute.

In Wisconsin, county and district superintendents of schools are excepted from the operation of the primary law ('05 ch.3). Special provision is made for the election of delegates to the national

¹A similar provision was contained in the Oregon law of 1901.

convention by a direct vote, two for each congressional district and four by the state at large. An important change is also made in the method of framing a state platform. Under the law of 1903 the candidates for the various state offices and for the Legislature formulated the declaration of party principles. To this number the law adds those senators of each political party whose term of office extends beyond the first Monday in January of the year next ensuing, in other words, "hold-over" senators ('05 ch.369).

The Florida primary law ('05 ch.100) was extended in application from cities of 10,000 to include any municipality. In Maine ('05 ch.149) the limit for cities to which the primary law applies is raised from 25,000 to 35,000. In Massachusetts ('05 ch.386) a few minor changes have been made, including the annual submission of the primary law on the petition of 5% of the voters. The application of the New Hampshire law ('05 ch.93) is extended from cities of 15,000 to cities of 12,000, and such others as may adopt the system. In New York special enrolment is abolished in cities of the second class ('05 ch.674). Such enrolment in cities of the first class had already been abolished.

Including the legislation of 1905, every state in the Union now has a primary law on its statute books. Of the various primary laws some provide for most of the guaranties of an ordinary election, are state wide in application and mandatory. These states are Illinois, Kentucky, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Ohio, Oregon, Texas and Wisconsin. Some states have laws of a similar character which are, however, local in their scope. These are California, limited to cities over 7500 in population; Delaware, limited to Newcastle county; Florida, to all cities; Iowa, to Polk county; Indiana, to counties having a city of over 50,000 or between 36,500 and 43,000; Maryland, limited to Baltimore; Maine, to cities from 2000 to 35,000; Michigan, to certain counties under local acts; Missouri, to cities above 175,000; Nebraska, to cities of over 125,000; New York, to cities of over 5000; Rhode Island, to Providence, Newport and Pawtucket. Mandatory laws of general application, but not providing a complete scheme of legally regulated primary elections, are found in other states. These states are Arizona, Colorado, Connecticut, Georgia, Idaho, Kansas, Louisiana, Mississippi, Nevada, South Carolina, South Dakota, Pennsylvania, Tennessee, Vermont, West Virginia, Wyoming, and Utah. In these states there are general regulations governing primaries, but the protection afforded is by no means equivalent to that provided at the general

election. In another group of states, laws are either optional or incomplete or both. This includes Alabama (optional), Arkansas (optional), Montana (optional), New Hampshire (local), North Carolina (local), Oklahoma (optional), Virginia (local) and Washington (optional). It should be observed that many of the states with incomplete systems are found in the South, where the general policy is to leave the detailed machinery of primary administration in the hands of the party organization. Direct nomination features in various forms are found in about half of the states. In Mississippi, Minnesota, Oregon, Tennessee and Wisconsin, direct nominations are mandatory and cover almost all offices. In Kentucky, Florida, Indiana, Massachusetts, Nebraska, North Dakota, New Jersey and Texas direct nomination is mandatory, but only local in scope.¹ In other states, such as Alabama, Delaware, Georgia, Louisiana, Maryland, Michigan, Missouri, Montana, Ohio, New York, South Carolina, South Dakota and Texas, direct nominations are optional in the case of various officers.

The main tendencies of the primary legislation of 1905 were the attempt to retain the delegate system as far as possible and combine its merits with those of the direct vote. This was strongly evidenced in Illinois, Michigan, North Dakota, South Dakota and Texas. A further feature is the appearance in Michigan of the minimum percentage plan. The law prescribes that unless 40% of the vote be polled by the leading candidate for state office, choice shall be made by the convention.

Another noticeable tendency in recent primary legislation is the provision for the election of party committeemen by direct vote of the party electorate. This is in line with the general demand for direct primaries and dislike of the convention system. In fact such legislation as this removes one of the worst features of convention method, since delegates are frequently chosen for the sole reason that they are to support some individual for party committeeman.

Another general tendency is that toward the adoption of the plan of party enrolment or registration, as seen in Connecticut and Michigan, or at least to define more and more sharply the characteristics of a member of a party. In Wisconsin, however, the "open" primary is now in the process of trial.

Nomination. In Illinois ('05 p.208) no person who participated in a party primary may sign a petition for nomination of an independent candidate at the same election. New Mexico ('05 ch.127)

¹Also in Illinois law of 1905, declared unconstitutional.

has forbidden the appearance of the name of any one person as a candidate for the same office more than once upon the ballot. Both of these steps are, however, out of line with the general tendency of the time.

Periodicity of elections. The Ohio constitutional amendment ('04 p.640) substituting biennial for annual elections of state officers was ratified by the people in the November election of 1905. The Nebraska law providing for biennial elections was declared invalid (*State v. Galusha*, 104 N. W. 197) on the ground that annual elections are established by the Nebraska Constitution.

Ballot. With regard to the form of ballot to be used, there was considerable legislation during 1905. Rhode Island ('05 ch.1229) adopted the party column instead of the former grouping of candidates under each office to be filled. Similar legislation was recommended by the Governor of West Virginia while the Governor of Delaware advocated a return to the private printing of ballots. The Kentucky constitutional amendment providing for a return to the viva voce vote was rejected ('04 ch.30).

An entirely new style of ballot was authorized, subject to referendum vote, in Wisconsin ('05 ch.522). This ballot consists of "a sufficient number of contrastingly colored sheets, stapled or fastened together at the top, each sheet composed of the requisite number of individual coupons, bearing the names of all the candidates of a certain political party; each coupon shall bear the designation of the office and the name of the political party, and said coupon shall be consecutively numbered or lettered." A "straight" ticket may be voted by tearing off one of the party sheets, or a split ticket by tearing out any or all of the coupons containing the name of candidate favored and inserting in a "pocket envelop" provided. This act was submitted to the people of the state in April 1906 for ratification or rejection.

An Oklahoma statute ('05 ch.17) required the publication of instructions regarding the manner of marking the ballot in the newspapers in each county at least 14 days before the election. The use of a separate ballot for proposed constitutional amendments was required in Idaho ('05 p.311) and Maine ('05 ch.135). The purpose is to make the pending amendments more conspicuous than they would be if printed on a "blanket ballot" along with the names of the numerous candidates.

The use of voting machines was authorized either for all or for local purposes in a number of states. In Nebraska ('05 ch.67) and Utah ('05 ch.85) the statute was general in character; in

Michigan ('05 ch.217), Minnesota ('05 ch.267) and Wisconsin ('05 ch.269) of limited scope. In New Jersey ('05 ch.215) the law of 1902 was extended in its application from municipalities to all districts, and much more detailed regulations provided. In Rhode Island the act of 1901 legalizing the employment of voting machines was repealed by the Legislature of 1905 (ch.1226).

In Connecticut a constitutional amendment ('05 ch.196) authorizing the use of voting machines has been adopted. Colorado ('05 ch.84) also will vote on a similar constitutional amendment. The same Legislature that initiated the amendment enacted a law providing for the employment of voting machines, making the operation of the act contingent, however, upon the adoption of the constitutional amendment authorizing such machines.

Registration. Registration of voters was the subject of legislation in numerous states. The gross frauds in the Colorado election of 1904 led to the enactment of a registration law ('05 ch.100) applicable to all cities having a population of over 5000, including Denver, which is governed under a home rule charter.¹ A registration committee, consisting of three electors in each precinct, must be appointed by the county clerk on the recommendation of the party chairman. This committee is required to make a personal canvass of the voters, supplementing this by a session at which persons not yet registered may appear and have their names included on the official list. In either case, the elector must answer a set series of questions, sign his name to answers (or make his mark) and take a prescribed form of oath. Provision is also made for revising the lists, for publicity regarding them, for watchers and challengers and for special prosecution of election frauds. A Wisconsin law ('05 ch.454) authorizes the adoption of a registration system in cities, villages and towns on a favorable popular vote, taken on petition of 10% of the electors. Washington ('05 ch.171) authorized precinct registration in cities in place of the registration in one central place for the city, as at present.

New Jersey provided ('05 ch.141) for judicial review of registration lists on the day preceding election and on election day. Another act, applicable to municipalities having a population of less than 30,000, requires registration by actual canvass and inquiry on the part of the board, with opportunity for supplementing this list by personal registration ('05 ch.258).

¹Section 24. "Notwithstanding anything now or hereafter in the charter of said city and county to the contrary."

Regulations regarding examination of electors and requiring an elector's oath were made in Idaho ('05 p.380), Nevada ('05 ch.89) and West Virginia ('05 ch.43). The Idaho oath (p.383) is especially complete, covering a declaration as to citizenship, age, residence, innocence of treason, felony, embezzlement of public funds, bribery, intention not to violate the election law, and finally that the voter "regard(s) the Constitution of the United States and the laws thereof, as interpreted by the courts of this state and the laws thereof, as interpreted by the courts as the supreme law of the land." The West Virginia section (97) on "What constitutes evidence" is also of interest and importance as indicating the care with which the process of registration may be hedged about.

California ('05 ch.230) required the comparison made between signature of voter at registration and on election day to be made in full view of watchers, and subject to challenge by them. Another California statute requires in addition to the names, ages and addresses of voters their *occupations* as well ('05 ch.265).

Re-registration in Kansas ('05 ch.103) was made unnecessary in cases where the voter exercises his franchise in each successive election and without changing his address. If he fails to vote at any election his name is dropped from the rolls and he must then register. This places a premium on voting and is to that extent in accord with Governor Folk's recommendation in regard to forfeiting of franchise in case of failure to vote. In Utah ('05 ch.128), instead of a new registration every four years, a list is to be made up for every general election by taking the names of such persons as voted at the last general and municipal elections and adding to this the names of those registered on the appropriate days before the given election.

Canvass. Illinois ('05 p.205) provides that in canvassing "straight" tickets the total number of such "straights" may be indicated on the tally sheet, instead of tallying each ballot individually. Another act ('05 p.206) explained and authoritatively interpreted the method of counting votes for members of the General Assembly under the cumulative system. Indiana ('05 ch.113) made provision for the canvass of the vote in each county, by the county board of election commissioners. Minor changes were made in the laws of several states as to canvassing the election returns.

Conclusion. The general tendencies in the legislation regarding elections are clearly evident in the laws of 1905. These are more careful and detailed restrictions on the process of registration,

prohibition of bribery and undue influence in elections, publicity regarding election expenses, more complete regulation of the process of canvassing the election returns. Frequent laws regulating the form of the ballot indicate uncertainty as to the best method. There is a tendency to use the arrangement of the ballot as an aid to party regularity, as in the provision for party columns, prohibition of double nominations and restriction of independent nominations; on the other hand there is the movement toward the abolition of the party column, which on the whole seems likely to prevail. Uncertainty in respect to the proper or permanent form of ballot will no doubt tend to delay the introduction of the voting machine, now generally legalized. The Wisconsin coupon ballot is an experiment well worth observation in connection with the ballot reform movement.

On the whole, then, the tendency is to guard more and more carefully the entire elective process from primary to final canvass of the returns. Every year adds to the mass of laws and judicial decisions governing our already complicated election machinery. Simplification of the elective process by reducing the number of elective offices and the frequency of elections comes much more slowly. Biennial elections are gradually taking the place of the annual or semi-annual electoral upturn, and the increase in the number of elective offices has been checked, in so far as new offices are made appointive by mayor or governor; but there is no very pronounced tendency to transfer elective offices to the appointive class. Security rather than simplicity seems to be the present goal. We are securing legal guaranties, but not the political guaranty afforded by a form of nomination and election simple enough to be easily operated by a democracy.

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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 29j

State Finance Frank A. Fetter
Taxation Frank A. Fetter
Inheritance Tax Max West

STATE FINANCE

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Public lands. Several measures of the year relate to public lands. A group of the Western States made important changes in laws, or modified existing statutes. Colorado ('05 ch.134) enacted a measure of some 25 pages, probably for the most part a codification of existing laws. It provided for a state board of land commissioners and for the leasing of state lands in cities. Idaho ('05 p.131) defined the powers of the State Board of Land Commissioners and created additional officers. Idaho likewise ('05 p.84) sought to secure a more adequate price for the lands situated in town sites. Wyoming ('05 ch.36) created the office of Commissioner of Public Lands. New Mexico ('05 ch.111) created a land office and provided that lands were to be leased, not sold, until permanently irrigated. It sought to secure the full rental value and took measures to prevent the taking of available materials from public lands. Washington ('05 ch.61) provided for irrigation improvement and for the sale of lands. Texas ('05 ch.103) provided for the leasing to the highest bidder of lands set aside for schools and asylums. North Dakota ('05 ch.183) took steps to secure the full value of lots within the sites of towns, villages and cities, the proceeds to be turned over to the local treasurer. Minnesota ('05 ch.162, 201) provided for the more efficient appraisal and sale of school and other state lands; likewise ('05 ch.204) sought to prevent, by penalties, trespass on the public lands of the state, especially through the taking of timber. The right to re-

move timber is to be let at auction (§16). Wisconsin ('05 ch.184) enacted that public lands were to be sold for cash only. Tennessee ('05 ch.459) somewhat modified the law forbidding a grant of any land in the state, and provided that it should not apply to land entries already on file. Pennsylvania ('05 ch.50) declared that state lands were not to be sold but conveyed to the State Forestry Commission if the commission makes a request to that end.

Parks. The movement for state parks made some progress. New parks were established in Kansas ('05 ch. 497). Former acts were amended in a manner to authorize the enlargement and improvement of existing parks, in Wisconsin ('05 ch.169), in Massachusetts ('05 ch.413) and in New York ('05 ch.508), which enlarged the State Reservation at Niagara. In Utah ('05 ch.34) a board of park commissioners was created in anticipation of the grant by Congress as a state park of a part of the Uintah Indian Reservation.

Buildings. Four states passed laws to provide for the construction or reconstruction of state capitols, one to dedicate the Capitol, one to erect a Governor's mansion, and two others to build Supreme Court buildings. North Dakota ('05 ch.166) provided for the reconstruction of the Capitol and erection of an executive mansion, and created a board of capitol commissioners. South Dakota ('05 ch.163) took similar action regarding the new state Capitol. Idaho ('05 p.155) authorized the enlargement and improvement of the present Capitol, with the alternative permitted of procuring a new site and erecting a new Capitol thereon. Kentucky ('05 ch.1) amending an act to provide for a Capitol, authorized a change of the site. Pennsylvania ('05 ch.306) constituted a commission to arrange for the dedication of the new buildings. Florida ('05 ch.101) authorized the building of a mansion for the Governor. Illinois ('05 p.76) created a commission to construct a Supreme Court building. Nevada ('05 ch.49) authorized the erection of a state library and Supreme Court building.

Two states legislated on the subject of architects on public buildings. Connecticut ('05 ch.144) seeks to have competition in plans. Kansas ('05 ch.489) provides for the appointment of a state architect at a salary of \$2500.

Purchase of supplies. The regulation of the purchase of supplies for the various state offices and institutions is the occasion of considerable legislation, and eight states passed laws that bear on the subject. Delaware ('05 ch.82) requires supplies to be bought after

advertisement and competitive bids. Idaho ('05 p.38), New Hampshire ('05 ch.120) and Vermont ('04 ch.161) made similar requirements. New York ('05 ch.457) required that supplies for the charitable institutions be furnished by the lowest responsible bidder and prescribed various details governing the meeting of a purchasers' committee of superintendents and governing the construction and repairs of state buildings. West Virginia ('05 ch.71) imposed regulations, especially on the purchase by competitive bids of fresh meats for the state institutions. North Dakota ('05 ch.132) in a sort of local protective measure required the use of lignite coal unless other coal is as cheap or cheaper. Vermont ('04 ch.154) made it a misdemeanor for a purchasing agent of the state to have any pecuniary interest in the contracts, and some of the other states included this same feature. California ('05 ch.191) provided for the exchange of commodities between the public institutions of the state and forbade the purchase elsewhere of such commodities.

No state took any steps toward the carrying of its own insurance on public buildings. Three of them authorized certain officers to insure in the ordinary way: Delaware ('05 ch.239) through the Secretary of State; North Carolina ('05 ch.441) through the Insurance Commissioner; and Vermont ('04 ch.13) through the sergeant-at-arms of the State House.

Accounts. In five states stricter rules were made for the supervision and inspection of the accounts of public officials, state and local. Florida ('05 ch.78) created the office of assistant state auditor and required state and county officials to submit their books for his examination. Idaho ('05 p.386) made the State Insurance Commissioner State Examiner with the duty of enforcing a correct and uniform system of bookkeeping by state and county officers. Kansas ('05 ch.490) created the office of state accountant with the duty of examining all the books and records of the various state officers and institutions. Kansas likewise ('05 ch.491) authorized the Governor to employ special accountants to investigate the state departments. North Dakota ('05 ch.171) defined more exactly the duties of public examiner, extending them more specifically to the examination of certain commissions and departments. Maine ('05 ch.49) required state and county officers to itemize and make oath to every bill of expenses.

Debts. The authorization of debt was of a minor nature excepting in the case of New York, which submitted a constitutional amendment (adopted November 1905) authorizing the issue of

bonds to the extent of \$50,000,000 for the improvement of the highways of the state. North Dakota ('05 ch.55) provided for the borrowing of \$150,000 to defray the extraordinary expenses of the state government. North Carolina ('05 ch.543) authorized the settlement of the South Dakota judgment and, for the payment of this and other similar claims expected to be presented by other states, the issue of \$250,000 of bonds bearing 4% interest. New York ('05 ch.388), probably referring to the same decision of the Supreme Court, authorized the acceptance by the state of gifts, bequests and assignments of the bonds of any other state.

Deposits. Several of the states show a desire to secure interest from the banks in which the funds of the state or municipalities are deposited. California ('05 ch.308) provided that banks should bid upon the rate of interest they will pay, not less than 2% a year, the interest to be estimated on the average daily balances. Bonds are to be deposited as security, and the amount to be taken by any bank is limited. California likewise ('05 p.1062) submitted a constitutional amendment providing for the deposit of state, county and municipal funds in national and state banks. Idaho ('05 p.305) required interest to be paid to the state on moneys deposited in the banks and placed certain safeguards around the transaction. New Hampshire ('05 ch.68) made some minor amendment to the act directing the treasurer to deposit funds in the bank. Texas ('05 ch.164) provided a complete system of state depositories, one in each central district of the state, by which interest is to be paid on balances. Similar arrangements may be made by county commissioners and by city councils. Pennsylvania authorized the State Treasurer to require additional security from any banking institution in which state funds are deposited.

Tax rate. Only three states passed laws that embodied any new policy as to the tax rate. New York adopted at the election in November 1905 the amendment removing the requirement of a state tax for sinking fund purposes and permitting the direct annual tax to be done away with whenever there is sufficient from other sources to provide for the sinking fund. This is the last step in the movement toward abolishing the general property tax for state purposes in New York. Two states evidently find the former limit of state tax levy too low. Nebraska ('05 ch.122) repealed the act limiting the levy for state purposes to 7 mills on the dollar. Idaho passed a resolution to amend the Constitution and to repeal the sliding rate limit by which the rate was to fall

with the increase of assessed valuation in the state. The Constitution makers evidently entertained the naive idea that state expenses would remain the same as the state grew in wealth and that "the economies of large production" would permit a decrease in the rate of taxation. They have now recovered from this illusion.

Altogether, this is not a very eventful year in the matter of state financial policy, but there has been a healthy movement toward stricter accounting, better methods, and a more businesslike exacting of the rights of the state in relation to the private persons with whom it is dealing.

TAXATION¹

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Most of the several hundred laws relating to taxation in the past year are concerned with minor details of administration and procedure. Winnowing these out, we have left a number which reflect a certain policy and trend of opinion on the subject. By adapting somewhat the outline followed in the review in previous years, these measures may be grouped under two main headings: those relating to the general property tax, and those relating to special forms of taxation. Under the general property tax come (1) the study and reform of taxation; (2) objects selected for taxation; (3) the situs of personal property for taxation, and (4) modes of assessment and collection. Under special forms of taxation come (1) those relating to individuals, (2) those relating to corporations, and (3) separation of state and local taxation.

General property tax

Study and reform of taxation. Four states provided in some way for the reference of questions of taxation to commissions. California ('05 ch.334) provided for a temporary commission consisting of the Governor as chairman, two members of each House, and an expert on taxation and finance, whose compensation was not to exceed \$250 a month. The members of the Commission other than the chairman and the expert are to be paid \$10 a day and expenses while actually performing their duties. Oregon ('05 ch.90) provided for a commission of three members, not more than two of the same political party, to examine and report on taxation at the next regular session. Georgia ('05 p.1259) provided for a joint committee of three from the Senate and five from the House to consider the revision and amendment of the tax system of the state. New Jersey ('05 p. 567) referred the question of the taxation of all classes of property, and particularly that of railroads, to the State Board of Equalization, to recommend to the Legislature measures necessary to establish equality among all classes of property.

Taxable objects. Legislation determining taxable objects is concerned with tangible property mainly in so far as it exempts certain classes from taxation. All of the significant instances relate more or less directly to exemptions for institutions of educa-

¹See also Governors Messages and Index of Legislation, 800.

tion, of charity and of religion. California ('05 p.1072) proposed an amendment to the Constitution to exempt the Cogswell Polytechnical Institution. New York ('05 ch.446) exempted pharmaceutical societies situated in cities of the first class, the exemption not to exceed \$100,000 in New York and Kings counties or \$50,000 in other counties. Pennsylvania ('05 ch.170) exempted public libraries, museums and art galleries. Texas ('05 ch.127) revised the articles defining and exempting property of charitable institutions and specifically included rents and profits derived from lands and buildings leased for profit when this income is used to sustain institutions of purely public charity. Illinois ('05 p.357) included in the list of exemptions parsonages or residences exclusively used by persons devoting their entire time to church work, and the money of fraternal societies. New Mexico ('05 ch.27) provided that widows shall be considered to be heads of families within the meaning of the act granting certain exemptions. Indiana and Kansas made an innovation (Ind. '05 ch.33; Kan. '05 ch.501) in exempting in the one case real estate and personal property of Greek letter fraternities, and in the other, the buildings owned by any college society and used as a dormitory or literary hall.

The defining of the kinds of intangible personal property subject to taxation occupies considerable attention. Two efforts to enforce the assessment of intangible personalty are noticeable: Minnesota ('05 ch.61) seeks to get a more complete assessment of mortgages by requiring the registrar of deeds to deliver to the county auditor a list of real estate securities; and North Carolina ('05 ch.532) repealed a law exempting municipal bonds from state and local taxes. All the other changes are in the way of reducing double taxation, or, in other words, lightening the taxation of intangible personalty or removing it entirely. The New York mortgage tax law ('05 ch.729) replaced the old taxation of mortgages assessed at their par value under the general property tax by an annual tax of one half of 1%, the proceeds to be divided equally between the counties and the state. This law was a great moderation of the legal burden upon mortgages, but in practice the old law had been so generally violated, especially in the cities, that this amounted in those places to a considerable increase of mortgage taxation.¹

¹See an article by the writer on "Changes in the Tax Laws of New York 1905" in the *Quarterly Journal of Economics* for November 1905. In 1906 the law was changed so as to provide for a registration tax of $\frac{1}{2}$ % to be paid once, in place of the annual mortgage tax. See *Quarterly Journal of Economics*, August 1906.

Ohio adopted a constitutional amendment in November 1905 permitting the exemption from taxation of bonds of the state and minor political divisions and school districts. Wyoming ('05 ch.17) exempted bonds issued by the state and minor divisions. New Jersey ('05 ch.161) provided that no debt secured by a mortgage on property exempt from taxation should be taxable. New Jersey made no essential change in its mortgage tax law, which now practically exempts mortgages from taxation by permitting the borrower and lender to contract freely, but passed an act ('05 ch.243) excepting building and loan associations from the recent mortgage tax laws of 1903 and 1904. Minnesota ('05 ch.86) provided that mortgages held by state and national banks should not be listed for taxation.

The relief of intangible personal property is affected by certain other exemptions intended to favor quasi-public institutions without setting up any principle. Texas ('05 p.410) exempts endowment funds of "institutions of learning and religion not used with a view to profit, and when the same are invested in bonds or mortgages." Indiana ('05 ch.27) exempts mortgages, notes and bonds issued by the Indiana State Board of Agriculture.

Wisconsin ('05 ch.214) provided that stock in national or state banks or other corporate stock should not be considered debts due to any person within the meaning of the law permitting deduction of debts from taxable credits. Connecticut ('05 ch.247) prevented the double taxation of stocks and bonds held by railroad companies by specifying when and how they should be listed.

Wisconsin, in its taxation of street railways and other companies ('05 ch.493), affirmed the principle of taxing once only the sum of property rights in a corporation. A part of this law (§ 2) is worthy of quotation: "The assessment and taxation of the property of a company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title or interest in such property of every kind or nature." And again (§ 25) the same principle is laid down, though more weakly, because applied only to stock: "The taxes hereby imposed or paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state, and such shares of stock in the hands of individuals shall be exempted from taxation." The wording of the law of West Virginia ('05 ch.38) suggests the same view as applied to real estate: "The word 'land' or 'lands' and the words 'real estate' or 'real property' include lands, tenements and heredi-

taments and all rights thereto and interest therein except chattel interests and chattels real not included in the valuation of such land." It is doubtful, however, how this would be interpreted by assessors.

The law of Texas ('05 ch.146), noticed below, providing for the valuation by the State Board of the intangible assets or franchises of a large variety of corporations, might at first glance seem an exception to the general tendency away from the taxing of intangible property. But it is of a very different nature, and does not involve the double taxing of physical wealth and of property claims; rather it is an example of the commendable movement toward securing the taxation once of the valuable privileges granted to public service corporations.

Situs of personal property for taxation. Rhode Island ('05 ch. 1246) seeks to make the situs of tangible personal property more generally determine its taxation; clauses are added to the law taxing personal property where it lies, when it is located in the state and belongs to a nonresident, when it is in the form of machinery, when it belongs to persons under guardianship, and when it is held in trust. New Hampshire ('05 ch.15) taxes portable mills in the town where they are on the first day of April, regardless of the residence of the owner; also ('05 ch.25) taxes boats and launches where the owner resides, if in the state; otherwise, where they are located on the first day of April; and ('05 ch.42) taxes as real estate where situated certain kinds of tangible property (such as lands, dams, machinery etc.) used by corporations supplying electric power or light. Oregon ('05 ch.156, 162) taxes foreign sheep coming into the state for the purpose of pasturage or being driven through the state, and live stock grazing in more than one county in proportion to the time they are in each county. Kansas ('05 ch.503) provides for taxing where it is used the physical property used for distributing heat, light, oil etc., and deducts the amount from the total true value of the stock in taxing the corporation to which they belong. Wisconsin ('05 ch.487) provides for the taxation of vessels, whether at home or abroad, as personal property, presumably therefore at the residence of the owner.

In two Michigan cases decided in 1905 (*Teagan Transportation Co. v. Board of Assessors of City of Detroit* and the *City of Detroit v. Mackinaw Transportation Co.*) it was held that the law allowing corporations to fix in their articles of incorporation their situs for taxation was unconstitutional. The effect of this decision appears

to be to forbid a corporation making merely nominal headquarters in a place where taxes are low, while escaping taxation in the cities where the business really is carried on.

Mode of assessment and collection. *Salaries.* In the two cases where changes can be noted in salaries, they are upward, as has been the case for some years past. Vermont ('04 ch.165) raised the salary of the Commissioner of State Taxes from \$1100 to \$2000, and New Jersey ('05 ch.122) made the upper limit of compensation for assessors' clerks \$125 instead of \$100.

Central assessment. The trend toward central assessment is strong, at least 11 states having passed laws looking in that direction. Washington ('05 ch.115) created a state board of tax commissioners. Wisconsin ('05 ch.380), which has had a temporary tax commission, created a permanent one and provided for its organization. New Jersey ('05 ch.67) abolished its State Board of Taxation and created a board of "equalization, revision, review and enforcement of tax assessments." Michigan ('05 ch.281) changed somewhat the method of appointment of the tax commissioners and enlarged their duties and powers.

Pennsylvania ('05 ch.32) established county boards in counties of 300,000 to 1,000,000 and abolished the ward, borough and township assessors in such counties, as respects the assessment of state and county taxes. South Dakota ('05 ch.42) provided for a meeting of county auditors with the State Board of Equalization and Assessment.

Wisconsin ('05 ch.493) made the commissioners of taxation a state board of assessment for street railways and electric companies operated in connection therewith, and also ('05 ch.494) for the assessment of the property of telegraph companies. North Dakota ('05 ch.151) extended the power of assessment of the State Board of Equalization to street and interurban railways. Oklahoma ('05 ch.31) gave to the Territorial Board of Equalization the assessment, equalizing and taxing of street railways and express companies in the same manner as now exercised over railway property. Tennessee ('05 ch.513) intrusted to the state tax collectors the assessment of interurban and street railway property. Texas ('05 ch.146) provided for a state tax board to value the intangible assets of a variety of corporations, such as railroads, express companies etc., and for the apportionment of these assessments to the various counties according to the business done in some cases and according to the line or car mileage in others.

Centralization and unifying of collection. Wisconsin taxed street railway companies and electric companies in connection therewith ('05 ch.493) at the average rate of taxation for state, county and local purposes. The state is to retain 15% and to distribute 85% to towns, cities and villages in proportion to the gross receipts from operation in each. The law relating to telegraph companies ('05 ch.494) is in almost identical terms, except that the sections relating to distribution to localities are omitted. New Jersey ('05 ch.91) provided for the central collection as well as assessment of taxes on railroad and canal property. Missouri ('05 p.269) provided for the assessment by the State Board of Equalization of cars not belonging to the railway companies and for the apportionment of their value to localities according to car mileage and for central collection of the taxes.

Special forms of taxation

Special taxation of individuals. Several states legislated on the subject of business taxes. Florida ('05 ch.109) requires nonresident nurserymen to pay a license tax of \$25 a year. Texas ('05 ch.111) imposed an occupation tax on persons engaged in purchasing transfers of wages. Texas likewise ('05 ch.148) extended the gross receipts tax to several lines of business carried on by individuals and firms as well as by corporations. This included express companies, telegraphs, commercial agencies, dealers in coal, oil and similar articles, and other lines of business. West Virginia ('05 ch.36) generally revised the laws of taxation and made a number of minor changes in the taxation of occupations. New Hampshire ('05 ch.83) imposed taxes on trading stamp companies in the form of licenses, and of an excise tax ranging from 3 to 10% of the gross amount received from the sale of the stamps.

The New York stock transfer tax law ('05 ch.241), perhaps the most noteworthy tax measure of the year, imposed a stamp tax of 2 cents on each transfer of a share of stock of the par value of \$100, which is \$2 on each sale of the usual amount of 100 shares. This tax, which was expected to yield about \$3,000,000, has thus far yielded at a rate that would amount to about \$6,000,000 a year.

Exemptions from the business taxes are seen in Florida ('05 ch.110) which exempted physicians and surgeons, and in Maine ('05 ch.163) which exempted honorably discharged soldiers and sailors of the War of 1861, from the payment of a poll tax.

The only step toward an income tax was that of Wisconsin ('05 p.992) in the form of a joint resolution looking toward the amendment of the state Constitution so as to permit taxes on incomes, privileges and occupations which may be graded and progressive.

Special taxation of corporations. A few measures of some significance in corporation taxation mark the legislation of the year. Texas ('05 ch.146) provided for the taxation of the intangible assets of certain corporations, especially transportation companies, according to the Indiana plan, by providing for a state tax board to assess the values and certify them to the counties. Wisconsin ('05 ch.493) provided for taxing street railways and electric companies and ('05 ch.494) telegraph companies at the average rate of taxation for state, county and local purposes (see above under Central assessment). Michigan ('05 ch.282) provided similarly for the taxation of transportation companies at the average rate of taxation in the state. This is the last of a series of experiments by which Michigan has attempted to deal with this problem.

California ('05 ch.386) imposed an annual corporation license tax of \$10, independent of the amount of capital stock, following in this the example of the neighboring state of Washington.

Wisconsin applied extensively the plan of taxing gross receipts; increased ('05 ch.437) the license or tax on gross receipts of street railways and electric companies from 2 to 2½% in case of smaller receipts and from 4 to 5% in case of larger receipts; revised ('05 ch.455) the taxation of life insurance companies organized outside of the state by increasing the percentage of premium receipts so as to put them on a parity with the domestic companies; increased ('05 ch.325) the gross income tax of fire and navigation insurance companies from 2 to 4%; raised ('05 ch.488) the gross receipts tax on telephones from 3 to 4 % in certain cases, but reduced it in other cases from 2½ to 2¼%; raised ('05 ch.442) the license fee of trust annuity and guaranty corporations from \$300 to \$500 and the tax on net income from 2 to 3%. Connecticut ('05 ch.264) imposed a gross receipts tax of 2% on the express business of electric and street railways. Texas ('05 ch.141) applied a gross receipts tax of 1% to the receipts of railways from all sources (formerly only on passenger receipts) and to several other kinds of business (see under next heading).

Three states took more vigorous measures to compel the payment of charter fees by corporations. Vermont ('04 ch.90) declared that corporations failing to pay the license tax shall cease

to exist on April 1 following their delinquency. Pennsylvania ('05 ch.121) imposed a penalty of \$500 for the neglect or refusal to make reports to the Auditor General for any three tax years. New Jersey ('05 ch.259) provided that the charter of any corporation delinquent for two consecutive years in the paying of any tax shall be declared void.

Separation of state and local taxes. Two modes of departure from the general property tax may be noted; the one, the assessment and collection of a lump sum from a given source and the division of the proceeds in some fixed percentage between the state and other divisions; the other, the setting aside of different taxable objects or sources for state and for local purposes. The one may be called the unification of assessment and collection, the other is called the separation of state and local taxation. Legislation on unification is illustrated by several measures above referred to, as the New York mortgage tax, which is collected by the county clerks and divided equally between the state and the counties, and by the law of Wisconsin ('05 ch.493) which apportioned the proceeds of the taxes of street railroads and electric companies, 15% to the state and 85% to the towns, cities and villages.

Under the policy of separation of tax sources may be noted Wisconsin ('05 ch.494) which set aside for the use of the state the proceeds of the tax on telegraph companies and of several license fees imposed or increased; and Texas ('05 ch.148) which imposed a gross earnings tax for the use of the state and in lieu of all other taxes on express companies, sleeping car companies, etc., and ('05 ch.141) on railroad companies; and in addition to all other taxes imposed a tax on the gross earnings of telegraph and telephone companies, collecting agencies, gas, lighting and water companies, stock exchanges, and a number of other businesses, all for the benefit of the state. The New York stock transfer tax of 1905 is exclusively for the state treasury. Michigan ('05 ch.282) applies the proceeds of the taxation of transportation companies, at the average rate of taxation in the state, to the educational funds and the discharge of the state debt. The gross receipts tax of Connecticut ('05 ch.264) on express business of electric railways, which is in lieu of all other taxes on the corporations, is for the use of the state.

Governors' recommendations

The significant references made by the governors to this general subject may, for convenience, be grouped in the order of the preceding outline and discussion.

General property tax. *Study and attempts to reform the general property tax* are reflected in a number of messages. Conditions are bad, but there is no hope in the work of a costly tax commission (S.D.). The Legislature should have greater latitude in tax legislation than is permitted by the Constitution (Minn.). Recent tax legislation is commended in one case (Neb.); but the bad result of hasty revision, making necessary later a special session of the Legislature, is a warning in another case (Or.). Attention is called to the fact that the Legislature has followed pretty closely a special tax commission report (W. Va.), which is indeed a remarkable event. A recommendation of a special tax commission is made in one case (Wash.).

Taxable objects. Two governors criticized the growing tendency to exempt property. One opposes exemption of quasi-public corporations (Ct.); another opposes any exemptions (Vt.).

Real estate is said to be generally undervalued (Or.).

The treatment of intangible personalty receives considerable attention. One governor mildly said that its taxation might be more equitable (R. I.); another that three fourths of the personal property escapes, and again more emphatically that only 2% of what is legally taxable is assessed; but this is declared to be no more than what might be expected (S. D.). One pleads despairingly for honest listing (Kan.) and another angrily declares that drastic measures are needed (Minn.). The fuller assessment of intangible personalty is urged, and it is menacingly added that even the privilege of legal collection should be denied to debts that have not been assessed (Tex.).

The Governor of Wisconsin thinks the recent mortgage tax law is a disappointment in that the rate of interest to borrowers has not declined, and he advises going back to the old law. He makes also the somewhat confused and confusing recommendation that the cash value of insurance policies should be taxed to the policy holder.

Franchise taxation as applied to the special franchises of public service corporations is favored in several instances. Franchises are said to escape unfairly (Fla.). Taxation of franchises is recommended (Wash., Kan., Minn.).

Modes of assessment and collection. In one case a recommendation is made that assessors be elected instead of appointed.

A number of suggestions look toward centralization and improvement of the assessment. County assessors with deputies should replace the present system of local assessors (Kan.). The temporary tax commission should be made permanent (Wis., Minn.). The

establishment of a state board of equalization is recommended (Fla.). The state board should be given more power (N. J., N. M.). The state board should assess other corporations (Ariz.), and it is even said should assess all corporate property (Ark.). In order to remedy unequal assessment by local officers, all assessment should be in the hands of the state board, which should appoint every assessor in the state (S. D.), the most sweeping and perhaps the most fertile suggestion anywhere made.

Special forms of taxation. *Special taxation of individuals.* Few references are made to occupation taxes. One recommendation is that license taxes should cover all profitable businesses (Fla.), but another governor (Tex.) quotes approvingly from the Democratic state platform favoring the abolition of all taxes on occupations.

The income tax is generally uncollected (S. C.), but the enactment of an income tax is advised (Minn., Ga.), and an amendment to the Constitution making it possible is recommended (Wis.).

Special taxes on corporations. The Governor of New York recommends the repeal of the recent tax on the surplus of savings banks.

Every corporation should pay a specific tax (Ga.). Sleeping car companies should be taxed more heavily (Mich.).

The gross earnings of insurance companies should be taxed (Or.) and of railroad and street railway companies (W. Va.), the gross output of mines (Ariz.), the output of coal (Pa.). A fixed tax should be imposed on mines graded by size (W. Va.).

In opposition to these opinions toward gross earnings taxation is the recommendation (Wis.) to replace a system of taxation of electric railways and lighting by an ad valorem system.

The separation of state and local taxation finds favor with at least seven governors. It is a good tendency (Cal.), should be encouraged (Or.), and is a model system where applied (Ga.). The complete separation is recommended or hoped for (W. Va., Wash., Wis.), and the attainment of this end two years ago is noted in one case (Vt.).

Résumé

Study of taxation. Six governors expressed in some way their feeling of the importance of systematic study of the tax question, and one recommended a special tax commission. Four states created, or called upon, commissions to study and report upon the question.

Taxable objects. Two governors criticized or opposed exemptions, but eight states added somewhat to exemptions for educational, religious, or similar quasi-public purposes.

One governor said that real estate was undervalued, and five voiced the usual complaint of the failure to tax intangible personalty. One declared for the return to the old mode of taxing mortgages under the general property tax and favored taxing insurance policies on their value. Four advocated fuller assessment of special franchises of corporations.

The recommendation of the assessment of the value of franchises is not open to criticism, but all the other suggestions regarding the taxation of intangible personalty show the old-time hopeless confusion regarding the nature of property, and regarding the application of the general property tax to paper evidences of ownership.

While two states sought stricter enforcement of the tax on bonds and mortgages, 10 states in some way implied in their new laws a desire to do away with the taxation at the same time of tangible wealth and of the paper evidences of property rights in that wealth. The practice was thus much in advance of the governors' theories.

Situs. No governors expressed themselves on this subject. Four states sought to tax personalty where it lies rather than at the home of the owner, especially when it is in the tangible form of machinery, live stock, etc. In one state it was declared unconstitutional to allow a corporation to fix its situs for taxation in a place where its business is not actually carried on.

Assessment. Nine governors agreed in asking greater centralization or greater power for central boards of assessment. Two states increased assessors' salaries. Eleven changed the organization and increased the powers of county and of state boards of assessment, and three provided for central collection of taxes (both state and local) on some kinds of corporations. Here both opinion and practice are in the line of progress.

Special taxation of individuals. One governor favored and one opposed the extension of special occupation taxes. Four states added minor measures of this kind, and one passed a unique excise measure in the form of a stock exchange stamp tax. Two states made minor exemptions from occupation taxes.

Three governors favored income taxes and one state took steps to amend its Constitution so as to make an income tax possible.

Special taxation of corporations. Eight governors suggested further taxation of corporations and but one suggested reducing any corporation tax, that on savings banks (N.Y.).

Five states added materially to corporation taxes, Wisconsin and Texas being noteworthy. Five of the governors' recommendations

were for taxes on gross earnings, and two states passed laws of that kind; but these same states (Wis., Tex.) passed others of a different nature, and thus the tendency was not marked.

Three states sought more vigorously to enforce the collection of fees from corporations.

Separation of state and local taxation. Seven governors recommended the separation of state and local taxation, and five states added to the taxes which accrue solely to the state treasury.

The general movement is in the direction of sounder principles and better practice, but as has been said in this review in previous years, the progress seems to be groping and experimental and not to be guided by any clear insight into the difficulties of the existing system or into the theory of taxation.

INHERITANCE TAX¹

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Progressive inheritance taxes were adopted in 1905 by Minnesota, South Dakota and California, while New Hampshire enacted an old-fashioned collateral inheritance tax.

Governor Pardee of California, in his message of January 1905, recommended to the Legislature that it give careful consideration to the question whether the application of the inheritance tax law should be extended, first by taxing direct as well as collateral inheritances, and secondly by making the tax progressive, as has been done in several other states. The Legislature adopted his suggestion by practically reenacting for California ('05 ch.314) the provisions of the Wisconsin inheritance tax law.² The rates are the same as in Wisconsin: that is to say the primary rates for an inheritance not exceeding \$25,000 are 1% for direct heirs; 1½% for brothers and sisters and their descendants, sons-in-law and daughters-in-law; 3% for uncles and aunts and their descendants; 4% for great-uncles and great-aunts and their descendants; and 5% for others. The primary rates are multiplied by 1½ for the excess above \$25,000 in each inheritance up to \$50,000; by 2 for the excess above \$50,000 up to \$100,000; by 2½ for the excess above \$100,000 up to \$500,000; and by 3 upon the excess above \$500,000, thus making the maximum rate for large amounts going to strangers in blood 15%. The principal difference between the California law and its model is that the exemptions are somewhat more generous than in Wisconsin, and make a well considered distinction between minor and adult children. In the case of a widow or minor child there is an exemption of \$10,000, while the exemption allowed a surviving husband or any other direct heir is but \$4000. The nearest collateral relatives are allowed an exemption of \$2000 each; uncles and aunts and their descendants, \$1500; great-uncles and great-aunts and their descendants, \$1000, and others, \$500. Bequests to charitable, benevolent, educational and public institutions are wholly exempted. In the case of taxes paid within six months of the decedent's death, a discount of 5% is allowed; on taxes not paid within 18 months, interest is charged. County attorneys are charged with the duty of collecting these taxes and are allowed to retain, in addition to their other salaries or fees, 3% of the first \$50,000

¹See also Governors Messages and Index of Legislation, 836.

²See Review of Legislation 1903, p.120

accounted for each year, $1\frac{1}{2}\%$ of the next \$50,000, and one half of 1% on all additional sums; but any special attorneys needed for enforcing the payment of these taxes must be compensated out of this commission. The revenue from this tax up to \$250,000 each year is applied to the school fund; any excess above that amount to the general fund of the state.

The **South Dakota** tax ('05 ch.54) is progressive only in the case of distant collateral relatives and strangers in blood. Direct heirs and brothers and sisters are taxed only 1%, without regard to the amount of the inheritance, while estates of \$20,000 or less passing to the widow, and \$5000 each to other direct heirs, are exempt. The decedent's uncles and aunts, nephews and nieces, and their descendants are taxed 2%, with an exemption of \$500 each. More distant relatives and strangers are taxed 4% on amounts of \$10,000 or less, 6% on the excess above \$10,000 up to \$20,000, 8% on the excess above \$20,000 up to \$50,000, and 10% on the excess above \$50,000, with an exemption of \$100 to each heir. A discount of 5% is allowed when the tax is paid within one year: in other cases, interest at 6% is charged.

Governor Johnson of **Minnesota** in recommending the taxation of inheritances to the Legislature of 1905, referred to the repeated efforts along this line of preceding Legislatures, which had in every case been found unconstitutional. The defects having been pointed out by the Supreme Court, he suggested that it would be possible to pass a law which would be approved. The result of this recommendation is an act ('05 ch.288) which differs from most inheritance tax laws in that it makes no distinction between different classes of relatives, but graduates the rates of taxation solely according to the amount inherited. Heirs of every degree are required to pay, on the excess above \$10,000 inherited by each, $1\frac{1}{2}\%$ up to \$50,000, 3% on amounts of \$50,000 or over and less than \$100,000, and 5% on amounts of \$100,000 or over.

The Constitution of **New Hampshire** was construed many years ago as prohibiting inheritance taxes; but one of the constitutional amendments adopted in 1903 extended the permissible objects of taxation to include franchises and "property when passing by will or inheritance." Governor McLane, in calling the Legislature's attention to these two new available sources of revenue, expressed the opinion that a tax on inheritances would produce considerable revenue without injustice to any one. The Legislature, however, seriously restricts the revenue-producing power of the tax ('05 ch.40)

by wholly exempting direct heirs and brothers and sisters, as well as charitable, educational and religious institutions and municipalities. In other cases the rate of taxation is uniformly 5%, apparently without any exemption of small amounts.

Minor **administrative amendments** were adopted in several states. The New York law was rewritten and revised ('05 ch.368), the Vermont law rewritten ('04 ch.30), and the Utah law elaborated ('05 ch.119) by the addition of administrative provisions. Connecticut, in amending a section of its law, omitted the reciprocal provision which exempted estates of decedents residing in other jurisdictions where estates of Connecticut decedents were not taxed. **Exemptions** were extended to include stepchildren in Pennsylvania, educational institutions in Oregon, bequests for charitable purposes in Washington, and bequests to counties and municipalities for public purposes in Wisconsin. Maine made it the duty of the register of probate to report delinquent estates to the county attorney. Massachusetts and Montana altered only minute details.

The inheritance tax is now found in 33 states.

Local Government	Delos F. Wilcox
Local Finance	Frederick R. Clow
Municipal Functions	John A. Fairlie

LOCAL GOVERNMENT¹

DELOS F. WILCOX PH. D., SECRETARY DETROIT MUNICIPAL LEAGUE

City government

In last year's review we were confronted with a dearth of significant municipal legislation. This year the opposite is true. During the 12 months under review important amendments were adopted applying to the charters of New York city, Chicago and Philadelphia; Omaha, Grand Rapids, Mich., Houston, Texas, and many less important cities were given entire new charters; a complete new municipal code was adopted applying to all the cities of Indiana; the initiative, the referendum and the recall made more rapid progress than ever in municipal legislation; home rule was not without its victories, and all in all the year 1905 was a memorable one in the history of American municipal government from the standpoint of charter construction.

Home rule. California maintains its position as the leader in the municipal home rule movement. No less than eight California cities, Stockton, San Diego, Santa Rosa, Santa Barbara, San Bernardino, Los Angeles, Pasadena and Fresno, adopted either complete new charters or extensive series of charter amendments under the home rule sections of the state Constitution. These were all dutifully approved by the Legislature according to the hitherto unbroken custom of that state. Not satisfied, however, with the liberal use of the home rule system in its present form, California continues to strengthen and perfect it through constitutional amendments. Two amendments were proposed in 1905 and will be voted on in November 1906. One ('05 p.1064) will change section 8 of article 11 so that any city having at least 3500 population

¹See also Governors Messages and Index of Legislation, 2430.

will have express authority, not only to frame a charter by means of an elected board of freeholders, as has been the case heretofore, but having done so, to frame a new one whenever it desires. These home rule charters hereafter will need only to be consistent with the state Constitution. When approved by the Legislature, they supersede all conflicting laws, whether general or special. Every home rule charter will have to be submitted to the people within 30 days after being published. Heretofore the Constitution has required that it be submitted within "not less than " 30 days.

The other proposed amendment ('05 p.1063) has to do with tenure of office, and evidently is intended to take away the last vestige of doubt as to the constitutionality of the recall, which was attacked in the California courts last year. A case from Los Angeles was taken to the Supreme Court of the state, but the judges decided the issue on technicalities of procedure, thus avoiding a direct decision of the constitutional questions involved. The amendment now proposed states specifically "that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control."

Outside of California the home rule movement made less rapid progress. In Oregon a constitutional amendment prohibiting special legislation for cities and granting them the right to frame and adopt their own charters "subject to the Constitution and laws of the state" was approved by the Legislature in 1901 (p.471) and again in 1903 (p. 346) but remains ineffective for the reason that the Legislature made no provision for submitting it to the people.¹

In Minnesota the law providing the procedure for securing home rule charters was amended and liberalized ('05 ch.253). In drafting the original constitutional amendments providing for home rule charters in Missouri, California and Minnesota, the possibility that a city might want to frame a second home rule charter to supersede the one first adopted seems to have been overlooked. In Missouri and California constitutional amendments were needed to straighten this matter out. In Minnesota, on the other hand, an act of the Legislature was sufficient. This act ('05 ch.253) provides that charter amendments, whether prepared by the standing board of freeholders provided for in the Minnesota scheme

¹At the June election in 1906, a home rule amendment initiated by popular petition was adopted by a large majority.

or by petition of 5% of the qualified electors of the city may be in the form of separate amendments or of a complete revision of the charter. In either case the proposition must be submitted to the people and, if approved by a three fifths majority vote, goes into effect. Home rule charters and charter amendments do not have to be submitted to the Legislature for approval in Minnesota.

An extremely unusual form of municipal home rule is contained by implication in the revised charter of Reno, Nevada ('05 ch.71). "Ordinances adopted and passed by the council," says the charter, "shall not supersede the general laws of the state with respect to their operation within the city, *unless it be so expressly declared in such ordinance.*" In other words, the council can override the state laws, if it only says so. This applies, of course, only to those subjects which come under the purview of the council by the terms of the city charter.

A much more substantial guaranty of municipal home rule is contained in the new charter of Houston, Texas ('05 special acts ch.17), which states that "the specification of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this act to grant to and bestow upon the inhabitants of the city of Houston and the city of Houston full power of self-government, and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the state of Texas or by the provisions of the Constitution of the state of Texas."

Initiative and referendum. Great progress was made during the year in the extension of the initiative and referendum in municipal matters. It has long been customary in some parts of the country, particularly in the New England States, to submit new charters and important charter amendments to popular vote. But the right of the people to initiate municipal measures has been confined for the most part to the initiative on charter amendments in some of the home rule states and the initiative on ordinances in a few cities having home rule charters. Indeed the referendum itself has been for the most part discretionary with the lawmaking authority, except that in certain classes of cases, such as bond issues, the purchase or erection of a public utility and the annexation of new territory, the referendum has often been mandatory upon the local legislative body.

San Diego (Cal. '05 p.901) adopted the initiative and the optional referendum last year. If electors to the number of 5% of the number of votes cast at the last election for mayor petition for any

ordinance, it must be submitted to the people at the next general municipal election which occurs at least 30 days after the petition has been verified. If the petition is signed by 15% of the electors, and they ask for a special election, the council may either pass the ordinance without alteration or submit it at a special election as requested. Ordinances adopted by the people can not be amended by the council, but the council may propose the amendment or repeal of any such ordinance and submit the question to the people for their decision. No ordinances passed by the council, except ordinances required by the general laws of the state and ordinances referring to street improvements, go into effect inside of 30 days unless the common council by two thirds vote declares them to be emergency measures. No franchise grant, however, may be construed as an emergency measure. If within 30 days after the passage of an ordinance 7% of the electors petition to have it submitted to popular vote, the council must reconsider and repeal it or else submit it as requested. In San Bernardino (Cal. '05 p.940) the initiative and optional referendum have also been adopted, but petitions to make use of them must in either case be signed by 30% of the voters.

The city of Miami, Florida, which had in 1900 a population of only 1681, has adopted an elaborate system of initiative and optional referendum procedure, with the required petitions ranging from 10% to 25% of the registered voters (Fla. '05 ch.148).

Reno (Nev. '05 ch.71) has the initiative on ordinances, a petition of 30% of the number voting at the last general city election being required if a special election is to be called; otherwise, only 15%.

Houston (Tex. '05 special acts ch.17) has the optional referendum on franchise grants on petition of 500 electors filed within 30 days after a franchise ordinance is passed. In the case of franchises running for more than 30 years the referendum is obligatory without any petition therefor.

Grand Rapids (Mich. local acts '05 ch.593) has, in its new charter, the optional referendum on all ordinances, franchise grants and contracts (except for street improvements) involving the expenditure of more than \$10,000. The petitions must be signed by 12% of the voters and filed within 30 days after the passage of the measure. Grand Rapids also has the advisory initiative on charter amendments. That is to say, the people by petition of 12% of the electors may propose any charter amendment and require its submission to popular vote. If approved, any such amendment is transmitted to the Legislature with the official re-

quest of the city that it be enacted into law. This is supposed to be as far as they can go in Michigan under the present state Constitution in giving the people the right of the initiative.

In Maine the Legislature passed acts abolishing the second branch of the city councils in three cities, Rockland, Portland and Augusta, subject to acceptance of the changes by the people (Me. '05 private laws ch. 122, 287, 378). The people of Portland rejected the proposition applying to their city at the polls. The result of the referendum in the other cities is not known to the writer.

The charter of Salem, W. Va. ('05 ch.14) was passed subject to an optional referendum on petition of 100 freeholders filed within 10 days after the passage of the charter bill.

The Connecticut Legislature passed special acts affecting Danbury, New London and New Britain (Ct. '05 special acts ch. 309, 329, 411). The first and third of these were passed subject to acceptance by the people of the cities affected. All three acts provide for a peculiar kind of optional referendum. In Danbury the budget, and in the other cities any ordinance, must be submitted to a vote of the people at a city meeting called to consider the measure on petition of five members of the common council and 30 other citizens.

In Wisconsin an act was passed ('05 ch.92) applying to all cities of the second, third and fourth class, whether organized under special charters or under general laws, leaving it optional with the common council to determine by ordinance whether there should be one alderman or two from each ward, but every such ordinance must be approved by the people before it can go into effect. In the same state an act was passed (Wis. '05 ch.44) authorizing the electors of villages to pass on resolutions determining that the president and trustees shall have salaries.

Finally, an act making important changes in the government of Chicago was passed by the Illinois Legislature subject to the approval of the people of the city (Ill. '05 p.105). The passage of this special act for Chicago was made possible by the adoption of a constitutional amendment a year or two ago exempting Chicago from the prohibition of special legislation at the hands of the Legislature of the state subject to the condition that all special acts passed for the city must be submitted to the people of the city for their acceptance.

The recall. The growing popularity of the recall is evidenced by the fact that although it was adopted in 1903 in the Los Angeles charter for the first time in the history of the United States, four

other California cities adopted it last year. In all these cases it applies to elective officers only. No provision is made for the nomination of candidates at a recall election, except that the incumbent's name is placed on the ballot as a matter of course unless he gives written notice of his withdrawal from the contest. In San Diego (Cal. '05 p.901) when the electors are dissatisfied with any elective official, they may call a special election to oust him. The petitions for the special election must state in a general way "the grounds for which the removal is sought," and must be signed by electors not less in number than 25% of the total vote cast for all candidates for the office in question at the election when the incumbent was chosen. The candidate receiving the highest vote at the special election, whether it be the incumbent or a new man, is declared chosen for the remainder of the official term. In Pasadena (Cal. '05 p.1011) the procedure for the recall is the same as in San Diego. In San Bernardino (Cal. '05 p.940) a variation is made by requiring the signatures of 30%; instead of 25%, of the voters to any recall petition. Fresno (Cal. '05 p.1026) is still more conservative and requires 51%.

The experience of Los Angeles with the recall has had an influence far beyond the limits of California. One evidence of this is found in the fact that Governor LaFollette commended the recall to the "careful consideration" of the Wisconsin Legislature in January 1905.

Civil service reform and nonpartizanship. No very general progress in the establishment of the merit system was apparent in the municipal legislation of 1905. A bill for the establishment of this system in Detroit got through the Michigan Legislature, but was vetoed by Governor Warner. In New Jersey provision was made for a civil service commission in cities of the first class to prescribe rules and conduct examinations for appointments to the police and fire departments. The commission is to consist of two freeholders, not both of the same political party, appointed by the mayor. Appointments to the police and fire forces are to be made from the eligible lists by the boards of fire and police commissioners respectively. Every appointment shall be of one of the three men whose names come first on the eligible list. In the new municipal code of Indiana ('05 ch.129) the mayor is authorized to call the heads of the departments together for consultation on the city's business. It is provided that "rules and regulations shall be adopted at such meetings which shall prescribe a common and systematic method of ascertaining the comparative fitness of

applicants for office, position and promotion, and of selecting, appointing and promoting those found to be best fitted." This squint in the direction of the merit system is in amusing contrast with a later provision of the code which ordains that "not more than one half, as nearly as may be, of the regular appointees of the waterworks shall be taken from or maintained from any one political party."

Here and there the growing spirit of nonpartizanship manifested itself in the lawmaking. For example, one of the amendments to the charter of Fresno, Cal. ('05 p.1026) provides that all candidates for city offices shall be considered as "independent," and no party name or designation shall appear on the ballot at all. In Grand Rapids, Mich., the new charter made provision for the nomination by petition and election on a nonpartizan ballot by the city at large of the members of the school board (Mich. '05 local acts ch.593). The library commissioners have been elected in that way for two or three years, and with general satisfaction.

On the other hand, New Jersey seems to have taken a measure calculated to strengthen partizanship by abolishing all separate charter elections and requiring that they be held at the same time as the regular November election ('05 ch.3). There is a curious indication of ultra party spirit in an act amending the charter of Waco, Tex. ('05 special acts ch.25). It provides that a certain charter proposition shall be submitted to a popular vote of the Democrats at the regular party primary and commands the council to act in accordance with the result of this referendum.

Classification of cities and special legislation. Governor La Follette, of Wisconsin, struck a keynote in charter reform in his recommendation to the Legislature in January 1905. "One general act," said he, "granting broad powers in general terms, and designating the limitations placed upon them, should be passed applying to all cities whether originally created by special charter or otherwise. Thus uniformity in this class of legislation would at once be secured, at the same time allowing the different cities to work out their own peculiar problems in their own way."

During the year the same old practices in regard to special legislation have continued. In those states where the Constitution forbids special legislation for cities, the Legislature continues to classify cities according to population. Sometimes the classifications become so ridiculous that they are overthrown by the courts. During the year the Utah Legislature changed the population limits of the three classes of cities provided for in that state so that,

hereafter, cities of the second class will be those ranging between 5000 and 30,000, instead of between 5000 and 20,000 in population (Utah '05 ch.99). This change was evidently made for the purpose of keeping Ogden in the second class, although it was getting population enough to become a city of the first class. The New York law prescribing the manner in which cities move from one class to another was amended so that a particular city could stave off its entrance into the second class for two years longer than the time prescribed by the general rule ('05 ch.501).

On the other hand, in Indiana and Illinois the Supreme Court invalidated certain acts which were in form general, though in operation they were special (Ind. '03 ch.105; Ill. '03 p.101). It will be remembered that three or four years ago, the Supreme Court of Ohio, after having sustained the classification of cities through a long series of decisions, finally reversed itself and invalidated the charters of all the cities of that state, necessitating a special session of the Legislature to enact a uniform municipal code. This movement in Ohio seems to have had some effect outside. Indiana adopted a code last year applying to all cities ('05 ch.129). To be sure, for certain purposes the cities were divided into five classes according to population as follows: first class, 100,000 or more; second, 45,000 to 100,000; third, 20,000 to 45,000; fourth, 10,000 to 20,000; fifth, under 10,000. This code is, however, fairly general in character, as it applies to all cities without exception, and the variations in the law for the cities of the various classes extend for the most part to details of organization only.

In Connecticut an act was passed ('05 special acts ch.399) directing the Governor to appoint a commission consisting of one representative of each city in the state and five other persons to prepare a general draft of laws for "the government of all cities of this state, or any class or classes thereof, so that all laws in the nature of charter provisions relating to cities in this state may be uniform so far as may be practicable and advantageous."

Saloon districting. The legislation of the year shows an increasing tendency to give city authorities the right to establish saloon districts and to confine the liquor traffic to business sections. Provisions of various character relating to this subject were incorporated in the charters of Grand Rapids, Mich.; Miami, Fla.; and Dallas, Waco and Paris, Texas. Perhaps the most significant provision of this nature is contained in the Indiana municipal code (§53), which provides that the city council may exclude the

liquor traffic from suburban or residence districts and define the business parts of the city within which saloons must be found. It is further provided that with reference to the licensing of saloons and the establishment of saloon districts the jurisdiction of cities having more than 45,000 population shall extend 4 miles beyond their corporate limits and of all other cities 2 miles beyond. It is provided, however, that this extra-territorial jurisdiction shall not be effective within the corporate limits of another municipal corporation except by mutual agreement, but if the two can not agree, the ordinance governing the matter may be settled in Circuit Court.

New York city. Important changes were made in the charter of Greater New York, the most important being the extension of the mayor's term from two years to four years ('05 ch.633) and the transfer of certain powers of the board of aldermen to the board of estimate and apportionment ('05 ch.629). Practically all ordinances affecting franchises heretofore or hereafter passed by the aldermen were made subject to modification, amendment or repeal by the board of estimate and apportionment, to the same extent that they were previously subject to such action by the board of aldermen. Furthermore the board of estimate and apportionment is given authority, subject to the mayor's veto, to grant franchises. In other words, this board is given concurrent and superior jurisdiction with the board of aldermen in all franchise matters. This charter amendment was adopted without the acceptance of the city. The amendment increasing the mayor's term from two to four years included also a provision extending the terms of the Comptroller and the presidents of the boroughs in like manner. This amendment was accepted by the city.

Chicago. Following out the new policy of special legislation made possible by the amendment of the Illinois Constitution a year or two ago, the Legislature of Illinois passed an act changing the charter of Chicago in certain important particulars ('05 p.105). This act has been accepted by the people and constitutes a first step in charter revision. The term of mayor is extended from two to four years. It is provided that the chairman of the finance committee of the city council may receive besides his salary as alderman an additional salary not exceeding \$3500 a year, as fixed by ordinance. It is provided that the interest on all public moneys shall be paid into the city treasury and that the city comptroller must advertise once a year for bids for interest on the city money to be deposited in depositories.

By another act of the Legislature, not subject to the referendum, the board of aldermen in Illinois cities having more than 100,000 population is required to establish a municipal employees' pension fund to consist of amounts retained from the salaries or wages of employees in the water department who receive at least \$65 a month ('05 p.96). This pension fund is put under the control of the mayor, the city comptroller and four employees contributing to the fund. Any person who has contributed to the fund for 10 years and has reached the age of 50 years, and has been in the service of the water department at least 20 years, shall have the right to retire and to receive as a pension one half the monthly salary received before retirement. Provision is also made for the pensioning of widows and minor children.

Philadelphia. A radical change was made in the act governing cities of the first class in Pennsylvania, commonly known as the Bullitt Bill, passed about 20 years ago as a model charter for the city of Philadelphia. The law was so changed as to take from the mayor and give to the select and common councils voting in joint session the appointment of the director of public safety and the director of public works and make these officials subject to removal by majority vote of the councils in joint session ('05 ch.242). Governor Pennypacker approved this act, which has since been repealed. He vetoed, however, two similar acts providing that the directors of the departments of supplies and of public health and charities be appointed by the city councils instead of by the mayor. The Governor explained his action in approving one bill and vetoing others by saying that while he approved the general tendency of the bills, he was of the opinion that it would be best not to make too many changes at one time. The Philadelphia revolution which took place shortly afterwards evidently convinced the Governor that the tendency of this legislation was contrary to the public sentiment of the state.

Omaha. Under the guise of an act for incorporating metropolitan cities, the Nebraska Legislature gave Omaha a new charter which contains some matters of special importance ('05 ch.14). One provision requires that committees of the city council must report on all matters referred to them inside of 30 days under penalty of a fine of not to exceed \$50 a day for neglect to do so. Another stipulates that aldermen shall be fined for absence from meetings of the council, unless they have been granted leave or are excused. The charter also provides that all proposed franchise grants must be submitted to popular vote, and that the

mayor shall have the veto power on separate items of proposed ordinances. If the council desires to pass any measure over the mayor's veto, it must do so as the first business after the veto message has been received. Provision is made for a park commission to be appointed by the judges of the District Court, and for a fire and police commission consisting of the mayor, ex officio, and four persons appointed by the Governor, no more than two of the appointees to be of the same political party.

A particularly important provision of the Omaha charter is the one which forbids any officer or agent of the city to "solicit directly or indirectly the political support of any contractor, municipal franchised corporation, or railway company, or the officials or agents of such companies for any municipal election, or for any other election or primary election held in the city in pursuance of law. Nor shall any franchised corporation or railway company, through its agents or officials or by any other means, furnish or appropriate any money directly or indirectly to promote the success or defeat of any person whomsoever in any election or primary election held in such city, or to promote or prevent the appointment or confirmation of any appointive officer of such city." The violation of this provision on the part of an officer of the city subjects the guilty one to a fine of \$500 and removal from office. A violation on the part of a private company subjects the company to a similar fine, which may be levied upon every officer or agent proven guilty, and forfeiture of the company's franchise.

It is also provided that any officer or agent of the city who "strikes" a franchise corporation or a public contractor for money or other consideration as an inducement to withhold support from a measure adverse to the company's interests, or who shall offer to support a measure favorable to such interests for a valuable consideration, shall be removed from office and fined not to exceed \$500.

The charter provides that the city council shall have authority to order the improvement of any street within 3000 feet of the center of the city without a petition of the abutting property holders, unless the improvement is a repaving job. In that case, or if the improvement is outside of the 3000-foot limit, it can be ordered only on petition of the property owners. The kind of paving on a paved street may be changed on petition of three fifths of the property owners.

Another section of the charter gives the mayor and city council authority to compel any public service corporation having pipes or conduits in the streets to make all connections deemed necessary

for the future to the curb or property line at the time when any street or alley is to be improved. The charter also gives the mayor and council power to construct or purchase and maintain and operate waterworks, gas works, electric light and power plants and conduits.

Grand Rapids. The new charter of Grand Rapids was of particular importance because of the provisions for the advisory initiative and optional referendum already described, and also because of the provisions for nonpartizanship in the election of the Board of Education and of the conferring upon the common council authority to establish saloon districts. The general form of municipal organization provided by this charter is the board system. Public works, health and poor, police and fire, parks and cemeteries are placed under the control of boards of five members each, appointed by the mayor without power of removal, except for cause. One member of each board is appointed each year. The mayor's term is only two years, so that during a mayor's first term he would be unable to get control of any one of these boards.

Indiana code. There are a number of important provisions in the Indiana municipal code to which reference should here be made. The code reads as if it had been written by a conservative reformer, who at the end of every paragraph said to himself, "Now then, *that* will fix it, and there will be no more doubt about it." Provision is made for a general city election once in four years, to be held in November 1905, and quadrennially thereafter. None of the city officials, not even the councilmen, can be reelected at the expiration of their terms. Provision is made for filling vacancies without the necessity of holding any special election. Provision is made forbidding councilmen, city officers or city employees to be interested in city contracts, and the officers and employees of franchise corporations and city contractors are rendered ineligible to any city office. The mayor is authorized to appoint the heads of the city departments, subject to removal by him upon notification and sending a message to the council stating his written reasons for such removal. All officers are appointed for indefinite periods. The mayor is required to call together the heads of departments at least once a month for consultation. He has authority to appoint three examiners to examine without notice the accounts of any city department. The city comptroller is the chief bookkeeper and financial agent of the city and has authority to prescribe forms of city accounts for all departments.

Parks and boulevards in cities of the first and second classes are under the control of boards of park commissioners, whose term of office is four years. This constitutes an exception to the general rule of indeterminate appointments.

County and township government

There was no general legislation of special importance with reference to the government of townships and counties except a number of acts in different states carrying on the movement for the abolition of the fee system as a method of paying county officers.

LOCAL FINANCE¹

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During the year under review there was no one piece of legislation of great moment pertaining to local finance. The only comprehensive general law was passed by the Legislature of Indiana for the government of municipalities of all grades ('05 ch.129). Sections 84-89 of this law pertain to finance, but their provisions and phraseology were drawn from laws passed in Indiana about 12 years ago. They establish a uniform system for the entire state, though enforcing the most elaborate provisions only on the larger cities. This system, as now matured, will doubtless have a wider influence on other states than it has had in the past. It is one of the best that has yet been produced in any state. The only system that can even be compared with it is that for cities of the second class in New York, which was enacted eight years ago (1898 ch.182); but the latter has now been so overlaid with amendments that it is not as readily understandable.

Of the numerous acts granting special charters or amending old ones, the most notable in a financial way is that for the city of Hartford, Ct. The others contain few features worthy of mention; the 10 in Georgia and the 23 in Oregon may be characterized in one statement: the financial administration is left to the city council.

The Hartford charter (Ct. '05 special acts ch.70) creates a board of finance to replace the joint standing committee on ways and means in the council. This board matures all measures of importance relating to the finances—accounts, depositories, loans, budget etc. The members of the board are the mayor, treasurer, comptroller, two citizens appointed by the mayor, and one member of the board of aldermen and one of the common council, appointed by their respective bodies. There is no salary connected with membership on the board. Another act (Ct. '05 special acts ch.216) provides Hartford with a board of contract and supply consisting of the mayor and four other ex officio members. This board is to let all contracts for work and supplies when the cost is over \$500.

Besides Hartford and the cities of Indiana affected by the law mentioned above, Stamford, Ct. ('05 special acts ch.442), and Blue-

¹See also Governors Messages and Index of Legislation, 2550.

field, W. Va. ('05 ch.3) have been added to the list of those cities that have a small executive board to administer the finances. Houston, Texas ('05 special acts ch.17) virtually has the same in the city council of only four members.

Budget. The budgetary provisions of the Indiana law ('05 ch.129) had been in use before in Indianapolis, Terre Haute and Evansville. The estimates are first talked over at a joint meeting of the heads of the various departments and boards. The comptroller revises the estimates; then the mayor revises them and transmits them to the council. The council can reduce or strike out any item, but can not increase any or introduce a new one. Additional appropriations may be made during the year on the recommendation of the comptroller and a two thirds vote of the council. Somewhat on the same plan is the general law of North Dakota ('05 ch.62) though it has an unusual and questionable feature in beginning the fiscal year September 1. According to the new charter of Johnstown, N. Y. ('05 ch.593) the mayor prepares the budget. Three West Virginia cities besides Bluefield were given charters providing for an annual estimate: Bellington ('05 ch.1), McMechen ('05 ch.12) and Williamson ('05 ch.15).

Section 85 of the Indiana law ('05 ch.129) contains excellent provisions for keeping contracts and orders for supplies within the appropriations. Even more stringent are those of the Houston charter (Tex. '05 special acts ch.17). The New London charter (Ct. '05 special acts ch.329) is in line with the best usage in requiring a two thirds vote of the council to spend more than the budget allows.

State supervision. Some long steps in this direction have been taken. New York passed a law ('05 ch.705) requiring counties, villages over 3000, and cities of the second and third classes to make a financial report to the State Comptroller within 60 days after the close of the fiscal year in a form prescribed by him. He will then issue a report summarizing these reports. To insure their trustworthiness the State Comptroller is empowered to have the accounts examined "at such periods as he shall deem necessary." For this purpose he is supplied with a chief accountant and two examiners with ample powers.

The Governor of New Mexico commented favorably on the work of the Traveling Auditor, whose office was created in 1903 (ch.54), in improving the financial records of counties, and he recommended an extension of the system. His advice does not seem to

have been followed, but the adjoining territory of Arizona followed the example of New Mexico and created the office of public examiner, whose duty it is to prescribe forms of accounts for counties and to inspect personally the records of each officer handling money ('05 ch.40). Governor Johnson of Minnesota recommended in his message extending to the other larger cities of the state the inspection of accounts provided for St Paul by a special act in 1891 and for counties by a general act. The Legislature acted on this recommendation ('05 ch.223) and extended the work of the Public Examiner to cities above 50,000.

Financial officers. Section 88 of the Indiana law ('05 ch.129) gives the duties of the comptroller in a way that makes it a good model, though the New Hampshire act amending the Portsmouth charter ('05 ch.212) is more specific on what the auditor must do with a bill before transmitting it to the council. The California act chartering the city of Stockton ('05 p.832) also contains good provisions concerning the auditor; but the charter of San Bernardino (Cal. '05 p.940) does not provide for an auditor. The charter of Houston (Tex. '05 special acts ch.17) calls the auditing officer the secretary, while Dallas (Tex. '05 special acts ch.51) has both a secretary and an auditor. Another Texas law ('05 ch.161) requires any county with a city of 25,000 to have an auditor of accounts appointed by the judges with duties similar to those of an auditor or comptroller in a large city. This is a method of working out the relation between the city and the county which will be watched with interest. The usual way is to let the financial officers of a large city supersede those of the county. The Texas law looks like an attempt to maintain the superiority of the county against a growing city. A Massachusetts law ('05 ch.373) permits cities to extend the term of the auditor to three years.

A frank acknowledgment that the use of public funds is a valuable perquisite comes from the Legislature of Texas. The Sherburne charter ('05 special acts ch.44) requires that the office of treasurer be let by contract to the highest bidder. But the use of banks officially selected as depositories so that the public will receive interest on the cash balances is on the increase. The same Texas Legislature passed a general law ('05 ch.123) regarding the depositing of city funds. Washington passed a very brief law ('05 ch.103) on the same subject. Oklahoma legislated on the depositories of counties ('05 ch.11 art.2). Elaborate provisions covering six pages

of print were made by Idaho ('05 p.99) about the depositing of county funds; the banks are required to pay at least 2% interest, and both give a bond and deposit securities for the safe-keeping of the funds.

Acts continue to be passed permitting the corporate bonding of city and county officers (Kan. '05 ch.186; Neb. '05 ch. 11, 49).

Taxation. The legislative acts give evidence of increasing expensiveness of local government, especially for cities. Two Missouri laws ('05 p.78, 80) raise the rate of taxation for cities in terms which show in a rough way how the cost of government is expected to increase with the size of the city. The maximum rate for cities with a population of less than 1000 is 25 cents on a valuation of \$100; up to 10,000, 50 cents; up to 30,000, 60 cents; 30,000 and above, 100 cents. North Dakota ('05 ch.186) raises the rate for villages from 5 mills to 10 and for counties (ch.43) from 8 mills to 10. Vermont ('05 ch.72) permits a higher rate for counties. Oklahoma raises the rate for counties ('05 ch.31 art.5). On the other hand, West Virginia imposes limits on counties in one law ('05 ch.48) and on cities, towns and villages in another (ch.50).

The messages of governors give a little light on this increased cost. They urge improvements in many departments of government. Most frequently it is the highways, for which state aid is asked in some cases. Then regulations are urged for the speed of automobiles and this would require better police or constabulary. Governor Douglas of Massachusetts wishes to facilitate municipal ownership, but he is also the one who speaks most pointedly about the high taxes. He says that the limit of \$12 in the \$1000 is so low that "the majority of our municipalities are unable to live inside of this limit."

The separation of state and local taxes is mentioned by the governors of Georgia, Oregon, Vermont, Washington and West Virginia, most of them reporting progress, though there seems to have been no additional legislation.

Debts. The laws continue to be altered so as to facilitate the piling up of local indebtedness. New Jersey ('05 ch.16) permits any city to issue bonds running from 20 to 50 years for the pitiful excuse that "bonds are about to fall due, and no provision has been made for the payment of the same." Another law of the same state (ch.174) permits any county of the first class to renew 90% of maturing bonds for a period not to exceed 40 years; still another (ch.206) permits the exchange of new 20 year bonds for certain old ones. Fortunately all of these new bonds authorized in New Jersey are to

have sinking funds. Oklahoma ('05 ch.7 art.3) permits every county, every city of the first class, the board of education of every city, every township and every school district to issue bonds running 30 years for the purpose of paying floating debts or refunding old bonds. Illinois ('05 p.132) permits a county to issue 20 year bonds when the expenses exceed 75 cents on each \$100 of assessed valuation. Indiana ('05 ch.31) permits any township "being indebted to an amount beyond the ability of the current taxes to meet" to issue bonds payable in 15 annual instalments. Minnesota passed four laws during 1905 (ch.20, 100, 123, 172) permitting the funding of floating debts or the refunding of old debts, extending or disregarding the debt limit, and making no mention of sinking funds. Many other acts of the same tenor could be mentioned.¹

Two governors warn against this disposition to use the credit of local governing bodies so freely. Governor Lanham of Texas says that "issuing bonds and lending public credit may be grossly abused unless the utmost precaution be observed." Governor Deneen of Illinois emphasizes the importance of sinking funds. Perhaps better still is the heroic policy of Nebraska ('05 ch.127) in requiring road districts that are in debt to levy a 5 mill special tax annually until the debts are paid. This example is the more notable by contrast with the feeble policy of Missouri ('05 p.309) in permitting any county, town, city or school district to borrow in excess of the debt limit for the construction of roads.

The legislation indicates that some attention is being given to the investment of funds, and especially of sinking funds.² It requires that the funds be invested either in bonds or real estate mortgage loans.

Two states, Massachusetts ('05 ch.191) and New Jersey ('05 ch.33), passed laws permitting local governments to establish insurance funds. Massachusetts limits the fund to 1% of the assessed valuation and puts it in charge of the sinking fund commissioners. New Jersey places no limit on the fund and puts it in charge of an insurance fund commission; it provides further that no other insurance shall be carried.

¹Kansas '05 ch.119; North Dakota '05 ch.54; South Dakota '05 ch. 58-59; Tennessee '05 ch.506; Wisconsin '05 ch.61, 311, 378; Florida '05 ch.94; New York '01 p.1804; '03 p.1456; constitutional amendment adopted Nov. 1905; South Carolina '05 ch.479; Vermont '04 ch.79.

²Illinois '05 p.378; Minnesota '05 ch.202; Missouri '05 p.115; South Dakota '05 ch.156; Texas '05 ch.21.

MUNICIPAL FUNCTIONS¹

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Comparatively little legislation of first significance was enacted on municipal functions during the year 1905. The most important measures were the new Indiana municipal code, and the acts establishing a body of state constabulary in Pennsylvania, a state gas and electric commission in New York and state water supply commissions in both of these states. These and other statutes show a continued tendency to increase the powers of municipalities by slow degrees; and also a tendency toward increasing administrative centralization by the development of state officials dealing with matters coming under the class of municipal functions.

Public safety

Pennsylvania has established a force of state police and New Mexico a company of territorial police. The Pennsylvania force has been established ('05 ch.227) for use particularly in the mining regions during strikes. It is intended to take the place of the coal and iron police appointed for and paid by various private corporations; and to save the frequent use of the state militia to suppress disorders arising in connection with extensive strikes. It consists of a superintendent appointed by the Governor and Senate at a salary of \$3000; and of four companies aggregating 230 men and officers, appointed after a physical and mental examination based on the rules and regulations of Philadelphia. The force, or part of it, may be mounted if deemed necessary by the superintendent. It has already been called into active service in the spring of 1906.

In New Mexico the company of mounted police authorized resembles the rangers previously established in Texas and Arizona. It consists of a captain, two other officers and not more than eight privates; and is to be used for capturing outlaws, lawbreakers and marauding or hostile Indians ('05 ch.9).

New Hampshire has provided state police boards for the cities of Keene and Berlin ('05 ch.153, 160). New Jersey has made compulsory on cities of the second class under 100,000 population a former optional law for bipartisan police boards appointed by the mayor ('05 ch.76).

¹See also Governors Messages and Index of Legislation, 2430.

In the new Indiana municipal code ('05 ch.129) municipal councils are given some rather unusual powers of police regulation. In addition to the ordinary ordinance powers they may exclude saloons from the residence sections of their cities, may regulate the height of buildings, and may regulate the speed of railroad traffic within the limits of their cities. Under this code the control of the police and fire departments in cities over 35,000 will be vested in boards of public safety appointed by the mayors. In cities from 10,000 to 35,000, by previous legislation, the police forces are directed by commissioners appointed by the governor.

Public works

One might think that the paving of streets and the building of sewers were sufficiently established branches of municipal activity so that all cities would already have adequate powers to provide these facilities for their inhabitants. But every year sees a great body of petty statutes conferring a little additional authority or making some minor amendment in the procedure relating to special assessments. An illustrative, and almost ridiculous, example is an act of the Minnesota Legislature ('05 ch.58) authorizing *for one year* cities over 50,000 to issue street improvement bonds to the amount of \$10,000.

Some measures are of rather more importance. A Wisconsin act ('05 ch.364) authorizes cities other than the first class to undertake public works by direct labor, if all bids for contracts are rejected as unsatisfactory by a two thirds vote of the council. Washington ('05 ch.55) has conferred on cities the power of eminent domain for streets, drains and public buildings; and Pennsylvania ('05 ch.94), New Jersey ('05 ch.32) and South Dakota ('05 ch.154) have authorized all cities to condemn private property for sewer purposes. In several states changes have been made in the laws governing special assessments for street improvements and sewers (Mich. '05 ch.125; Wis. '05 ch.453; Id. '05 p.297; and N. D. '05 ch.177). In Minnesota ('05 ch.121) and Kansas ('05 ch.106) the larger cities have been authorized to purchase land for garbage plants. And a Missouri act ('05 p.62) provides for the creation of sanitary districts with appointed trustees, independent of the city government, to make plans for main drainage works in St Louis and to issue bonds for their construction.

Parks. A good number of acts of some importance have become laws extending municipal powers in regard to public parks, mostly in states west of Lake Michigan. Several Illinois acts ('05 p.333,

334, 335, 336, 337, 340, 342) intended for Chicago, grant additional bonding and taxing power for existing parks, for new small parks and for an outer belt of parks. A Rhode Island act ('05 ch.1204) establishes a metropolitan park commission for Providence and the surrounding cities and towns. In Colorado ('05 ch.128) cities of the first and second class are given power to maintain public parks within 10 miles of the city limits; power to exercise the right of eminent domain and to issue bonds for the purchase of lands for park purposes is given with the approval of the taxpayers; and the management of the parks is to be by a commission of six members appointed by the mayor and council. Other park acts of less importance were passed in Minnesota ('05 ch.330, 335), Missouri ('05 p.265) and Oklahoma ('05 ch.9).

In New Jersey ('05 ch.262) cities of the second class, and in Kansas ('05 ch.102) all cities are authorized to appropriate money for band concerts. A Wisconsin act authorizes cities of the first class (Milwaukee) to cooperate in building a public auditorium and music hall, the first important step in this country in a field of municipal activity common in continental Europe. A Montana act ('05 ch.12) authorizes cities and towns to maintain public bathing places.

Municipal ownership

No comprehensive measure extending the powers of municipal corporations to own and operate public utilities was enacted during 1905. But a number of acts were passed in various states giving additional financial authority and in other ways increasing the effectiveness of powers previously granted. And a good number of special acts authorized particular cities to establish such undertakings.

Thus in Minnesota three acts ('05 ch.28, 105, 334), applying to cities of different size, authorize the issue of bonds for waterworks and electric light plants. For cities of 10,000 or less bonds may be issued for such purposes to the extent of 7% of the assessed valuation. For cities between 10,000 and 20,000 bonds for waterworks are authorized up to 5% of the assessed valuation. A Kansas act ('05 ch.101) authorizes cities to issue bonds up to 15% of the assessed valuation for natural gas, water, electric lighting or heating plants. An Oklahoma act ('05 ch.8) authorized bonds up to 4% of the assessed valuation for electric light plants.

In Missouri an act has been passed ('05 p.85) for municipal waterworks with financial provisions evidently suggested by those in the Illinois law of 1903 authorizing municipal street railways.

This act applies to all cities between 3000 and 30,000. They are authorized to acquire waterworks on a referendum vote, and to pay for them by bonds secured simply by a mortgage on the plant, and involving no general liability of the city. Such works in each city are to be managed by a board of three commissioners appointed by the mayor and council. In case of default in payment of principal or interest on the bonds, the works are to be conveyed to the bondholders with a franchise for 30 years. It will be interesting to note the practical operation of this limited municipal ownership.

In the new Indiana code, municipal waterworks, gas works, electric light works and heating and power plants may be established after a referendum vote in each case. But the low debt limit of 2% of the assessed valuation imposed on the Indiana cities will prevent most cities from undertaking many of these functions. Among other legislation bearing on this subject the following may be noted: Chicago and Omaha are authorized to sell electricity to private consumers from the municipal plants heretofore used only for public lighting (Ill. '05 p.110; Neb. '05 ch.18). In Nebraska ('05 ch.33) the power to establish municipal electric light plants is extended to villages. In South Carolina ('05 ch.433) and South Dakota ('05 ch.174) cities are given by general law the power of eminent domain to secure a water supply. In Massachusetts the procedure in the purchase of private plants by cities has been simplified ('05 ch.410), as recommended by Governor Douglas, by allowing the city to take possession as soon as the plant is offered.

Of special laws the most important is one establishing a new water commission for the city of New York, appointed by the mayor, to provide additional water supply for its future needs. This looks towards the construction of what will be the most extensive system of municipal water supply in the world, involving reservoirs probably in the Catskill or Adirondack mountains ('05 ch.724). Three Tennessee acts authorize municipal electric light and gas works in Memphis, waterworks in Bristol, and electric light and waterworks in Lawrenceburg ('05 ch.172, 434, 490); and a North Carolina act ('05 ch.93) authorizes a municipal electric light plant in Raleigh.

On the other hand, the failure of municipal plants in some cases is indicated by laws of Indiana ('05 ch.147) and South Dakota ('05 ch.176) authorizing cities to sell or dispose of such works. The South Dakota act applies only to cities of the first class with

reference to waterworks. The Indiana act applies to any city or town and to all of the public utilities most frequently owned by municipalities in this country.

It is coming to be realized that the problem of furnishing an adequate supply of pure water for large cities is one which affects not only the cities but also the larger political communities. And the two largest states in the Union—New York and Pennsylvania—have recognized this by establishing state water supply commissions (N. Y. '05 ch.723; Pa. '05 ch.236). It is the duty of these commissions to examine the water supply resources of the state, the New York board having authority to subpoena witnesses and compel their testimony. In Pennsylvania new water companies will be incorporated only after the approval of their application by this commission. In New York the plans of municipal corporations for new sources of supply must be examined and approved by the state commission.

Franchises and public control

The most important measure of 1905 dealing with the public control of municipal utilities was a New York act ('05 ch.737) establishing a state commission of gas and electricity, similar to that previously existing in Massachusetts. The New York commission consists of three members appointed by the Governor and Senate, each to receive an annual salary of \$8000. It has power to examine the methods of all persons, private corporations and municipalities engaged in supplying gas and electricity and to fix the standard of illuminating power and purity of gas; to prescribe methods of keeping accounts and to require full reports from all such corporations as to their finances and plants; and to control the inspection of gas and electric meters. Its approval is necessary before any new gas or electricity corporation may exercise its powers or any municipality may establish gas or electric works for other than municipal purposes; and its certificate of authority may be refused if the commission considers that the territory proposed to be supplied has already an adequate service at a fair and reasonable rate. Its approval is also necessary for the issue of stock or bonds by any corporation under its supervision. On complaint of the quality or price of gas or electricity from the mayor of a city or village or town authorities, or not less than 100 consumers, and after notice and a hearing, the commission may fix the maximum price or order improvements in the quality. Appeals may be made from the orders of the commission to the appellate division of the Supreme Court.

A special act for New York city ('05 ch.630) transferred the power of granting franchises from the city council to the board of estimate and apportionment. This board must hold a public hearing on all proposed franchises; at least 30 days must elapse between the introduction and final passage of all franchises; and each franchise must receive three fourths of all the votes in the board, and be subject to the veto of the mayor.

In Massachusetts two acts were passed with reference to the gas situation in Boston. One ('05 ch.421) provided for the consolidation of several gas companies in Boston and fixed the amount of capital stock to be issued. The other ('05 r. 101) provided for a commission to investigate the London sliding scale of gas prices in relation to dividends on capital, with a view to its introduction in Boston. A New Jersey act ('05 ch.261) established a commission to investigate the whole franchise question.

Acts of more general application were passed in Texas, Colorado and Kansas. One Texas act ('05 ch.23) requires all street railway, lighting, water and sewer companies to make annual reports to the Secretary of State. Another ('05 ch.145) provides for the regulation of rates charged by public utility corporations on complaint of city councils before the district courts. The Kansas and Colorado acts provide for the granting of franchises to public service corporations; but neither of these measures provides adequate protection to the public interests. In Colorado ('05 ch.125) the only requirement is the publication of the application and of the proposed franchise; the grant is made by a majority vote of the council and it is specified that the mayor is to have no vote. The Kansas act ('05 ch.121) is a general authorization for the grant of franchises in cities of the second and third class by the mayor and council, with no restrictions or qualifications.

Under the new Indiana municipal code, restrictions in the granting of franchises are much relaxed. Formerly franchises were limited to periods of 10 and 34 years according to the purpose, and contracts for street lighting were limited to 10 years. By the new code, not only are all franchises previously granted legalized, but new franchises may be granted with no limit as to the term or other conditions; while contracts for a supply of light, water or heat for city purposes may be made for as long a period as 25 years. These provisions open the way to serious dangers for Indiana cities at the hands of corrupt, careless or inefficient city councils.

Forestry	G. W. Woodruff & P. P. Wells
Game	T. S. Palmer
Fish	M. C. Marsh

FORESTRY¹

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Many important forest laws have been enacted during the year. California ('05 ch.157) provided for continued cooperation with the Forest Service in the study of state forest resources, to formulate a proper forest policy. As a result of previous cooperative study, the Forest Service prepared a general forest law for the state ('05 ch.264), embodying the features considered most essential in state forest legislation, viz: a state board of forestry, nonpolitical in character; a state forester, technically trained and certified as such by competent authority; a forest firewarden service; civil and criminal liability for causing forest fires and for forest trespass; a closed season for burning slashings, etc., during which special permission and extraordinary precautions are required; safeguards against the spread of fire from railroad and other engines in and near timber land.

During the year under review California ('05 ch.264), Vermont ('04 ch.16), Washington ('05 ch.164), Wisconsin ('05 ch.264) and Idaho ('05 p.145) passed general forest administration laws; and a New Jersey statute ('05 ch.47) concerning forest reserves, noted below, provided for the publication and distribution of reports and bulletins and the encouragement of private owners in good forest management. In Vermont one member of the State Board of Agriculture is to be designated by the Governor as State Forestry Commissioner, and is to prepare and distribute forest information and report biennially to the Governor. California, Washington and Wisconsin create state forest boards, which are variously constituted and named. A state forester, who is also state firewarden, is

¹See also *Governors Messages and Index of Legislation, 1890.*

appointed by the board (in California by the Governor) and is its secretary and executive officer, charged with the administration of the forest laws and the control of state forest work, including the collection and publication of information. In California and Wisconsin he must be technically trained, receives an adequate salary (California \$2400, Wisconsin \$2500) and has assistants (California two, appointed by him, salary \$1200; Wisconsin, one, appointed by the board and technically trained, salary \$1500). The Idaho statute is an attempt to establish a forest policy without a forest service. The forest lands of the state are administered by the Board of Land Commissioners. Any person desiring to cut trees on state lands must agree to use precautions against fire and other damage, and show that the trees are not necessary for the conservation of water on any irrigation watershed, or (sic) are on non-agricultural lands. The lands and timber are to be inspected and appraised, notice given to all water users who may be affected, their protests considered, and a court hearing allowed if the board overrules any protest. These proceedings are at the expense of the applicant. The timber is sold to the highest bidder, who must furnish bond with surety. The minimum diameter for cutting is 12 inches for general purposes and 5 inches for local use in fencing and mining. California has taken steps to create a forest fund ('05 ch.187, 264), and has empowered counties to appropriate money for the preservation, reforestation and fire protection of forests on public lands ('05 ch.337).

Tax exemption and bounty laws have been adopted in three states. North Dakota ('05 ch.187) offers to farmers \$3 an acre for plantations of one and not more than 10 acres of prairie land, which must be cultivated and kept in a thrifty condition. This sum is to be deducted annually for five years from the farm taxes. The state also offers a bounty for planting hedgerows as boundary lines. Pennsylvania ('05 ch.179) deducts for 35 years, 80% of the local and county taxes (not to exceed 45 cents an acre) for forest plantations of not more than 500 acres in one ownership. There must be at least 300 trees an acre and pasturage is forbidden until 200 trees on each acre are 4 inches in diameter. The same deduction is given for maintaining a sprout forest under the same conditions; and also, without limit as to time ('05 ch.88) for retaining not less than 50 trees an acre at least 8 inches in diameter on not more than 50 acres in one ownership. Vermont ('04 ch.17) allows a complete tax exemption for 10 years for plantations on waste or uncultivated land, made and cared for under rules and regulations of the State

Forestry Commissioner. Hawaii ('05 ch.6) exempts all property actually used in the production of rubber and cork-oak for commercial purposes. Indiana ('05 ch.49) repeals the law ('99 ch.256) for the appraisal of forest lands at \$1 an acre.

A forest fire service, more or less complete, is established in 11 states and territories (Me. '05 ch.44; N. H. '05 ch.97; Vt. '04 ch.16; Ct. '05 ch.238; Ind. '05 ch.49; Wis. '05 ch.264; Id. '05 p.145-48; Wash. '05 ch.164; Or. '05 ch.227; Cal. '05 ch.264; Hawaii '05 ch.71). Indiana lays upon township road supervisors the duty of extinguishing forest fires and employing help for that purpose when necessary. In Idaho the State Board of Land Commissioners may employ not more than six persons at \$5 a day to administer the forest fire law; and land officers, game wardens and all peace officers have power to enforce this law and make arrests. In New Hampshire and Vermont specified town officers are forest firewardens. In other states special appointments are made for each town (Ct.), county (Or., "fire rangers") or district (Wash., Cal., Hawaii and the unorganized townships of Me.). In Oregon such appointment is to be made only on the application and at the expense of property owners. These officers are, in general, under the supervision and direction of the State Forester (Oregon excepted). They are to enforce the forest fire laws, make arrests, extinguish fires, summon citizens to assist under various penalties (except Me.) for disobedience, impress property when necessary (except Me. and Vt.), establish patrols in places and times of special danger, post fire notices, etc. Pennsylvania ('05 ch.65) increases the compensation per hour of firewardens and persons assisting them, and the penalty for refusing assistance. Minnesota ('05 ch.82) increases the share of the county in the expense of fire fighting to one half, which is paid in the first instance by the state; and increases ('05 ch.310) the salary of the Chief Firewarden of the state to \$1500.

Under the general fire laws cited above are included certain special measures of precaution, such as requiring all persons to report fires (N. H.); prohibiting the leaving of camp or other fires unextinguished (Id., Cal., Or.) or the use of combustible gun wadding (Or.); requiring rights of way along county roads to be cleared of inflammable material and the slashings of lumbermen to be burned when and as ordered by the state board (Cal.); establishing a "dry" or "closed" season during which the use of fire in woodlands is prohibited except with the written permission and under the supervision of a firewarden and then under proper conditions for safety (Cal., Or., Wash., Hawaii; restricted in Washington to counties

where there is a deputy firewarden, and in Hawaii to times and places fixed by warning issued by the Chief Firewarden); requiring the equipment of locomotives, logging and other engines with spark arresters and devices to prevent the escape of fire from ash pans and fire boxes (Wis., Wash., Or., Cal.; limited in Oregon to timber districts, and oil-burning engines excepted in Wisconsin and California).

Similar provisions, relating specifically to railroads, require that locomotives in forested areas be equipped with spark arresters, and that railroads shall be liable for timber burned because of violation of the act (Id. '05 p.145); that the right of way be kept free from inflammable material (Id. '05 p.145; Wis. '05 ch.264); that such clearing be done once a year, that no fire, live coals, or ashes be left on the tracks outside yard limits, that trainmen report fires to the station agent at their next stopping place, and that the right of way be inspected by the State Firewarden or his assistant (Wis. '05, ch.264).

Fire trespass has, in general, been more broadly defined and the penalties increased until in Hawaii ('05 ch.71) a fine of \$5000 may be imposed. In two states (Cal. '05 ch.264, Wis. '05 ch.264) double damages may be recovered by the injured party if wilfulness, malice or negligence is proved, and the public expense incurred in fire fighting may also be recovered. In California ('05 ch.264) and Hawaii ('05 ch.71) the setting of fire on the lands of another or letting it escape from one's own land is *prima facie* evidence of wilfulness and neglect. New York ('05 ch.285) transfers to the Superintendent of Forests the enforcement of the forest trespass laws.

Several states have provided for forest reserves. New Jersey ('05 ch.47) creates a state board of forest park reservation commissioners consisting of the Governor, State Geologist and three citizens, who are empowered to acquire land by deed, gift, devise or condemnation, to care for, manage and preserve the forest reserves, cut and sell timber and maintain public roads through them. The procedure for establishing a "forest park reservation" includes a survey and the filing of a map, and no compensation is to be paid for improvements thereafter made. Minnesota ('05 ch.83) accepts the 20,000 acres granted for forestry purposes by Congress and ('05 ch. 277, 297) designates certain lands for state parks. In Wisconsin ('05 ch.264) all state land north of township 33 is made a forest reserve to be managed by the State Forester; conservative lumbering is to be carried on, and timber and other products sold to the highest bidder; on the recommendation of the State Forester, ap-

proved by the state board, reserved land which is found more suitable for other than forest purposes may be sold; the proceeds of such sales, and of timber and other products, and penalties for trespass, are to constitute a fund for the improvement, protection and enlargement of the reserve; the state board may accept any gift of land for the reserve, and may examine places of natural interest and report to the Legislature as to securing them for public parks; and the reserve is to be protected by State Trespass Agents, appointed by and responsible to the State Forester. In California ('05 ch.187) the state forestry fund may be used for the "acquisition" of forests. The "forest preserve districts" of Illinois ('05 p.279) are concerned chiefly with the maintenance of pleasure driveways. Pennsylvania ('05 ch.81) compensates school districts and townships for taxes lost by the inclusion of lands in the state reservations, by paying annually 1 cent an acre on such lands for schools and 2 cents for roads. The importance of forests for water conservation is recognized by two statutes, granting water rights in state reservation to municipalities (Pa. '05 ch.114) and providing for the determination of the water power of all streams in the state reserve (Wis. '05 ch.95).

The governors of the various states recommended that laws be enacted as follows: To create the office of state forester, and to make it optional for the state land board to sell or refuse to sell timber lands (Col.); to investigate and publish facts relating to forest areas (W. Va.); to tax forest lands only on their product as cut (Mass.); to empower game wardens to act as fire wardens (Fla.); to require railroads to extinguish all fires within 100 feet of their tracks, and persons who fell timber to remove all debris with the lumber (Pa.); to withhold from sale state lands suitable for forest reservations (Pa.).

GAME¹

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The record of game legislation in 1905 is remarkable for the numerous recommendations made in governors' messages, the large number of statutes enacted, and the adoption of several novel features. Attention is now being directed less to mere changes of season and more and more to strengthening the administration of the laws, providing funds by perfecting the license system, and adopting measures for propagation or restocking depleted covers. Of the 41 states and territories (including Vermont) which held legislative sessions, all but two made changes in their game laws, and if the 16 local laws passed in New York and the 67 in North Carolina are taken into consideration, the total number of statutes affecting game will number about 180, exclusive of appropriation bills. This was probably the largest number of game laws ever passed in the United States in any one year. In some sections there was a marked tendency toward local legislation, which in North Carolina was carried to the extreme of enacting special laws for a number of different townships.

Governors messages

As an illustration of the general interest in game protection it may be noted that the subject was referred to in the President's message and in the messages of the governors of 13 states and territories, chiefly in the West. These recommendations touched on a variety of topics, but most of them referred to administrative features and several resulted in favorable action. In the cases of Kansas and New Mexico the recommendations were renewals of those made in 1903 and in both instances met with approval.

The President renewed his recommendation to Congress concerning the protection of game on the forest reserves and urged the establishment of game refuges for the preservation of big game.

The Governor of Arizona recommended the appointment of one fish and game commissioner at a reasonable compensation in place of the present unsalaried commission of three members. The Governor of Florida, in calling attention to the failure of the system of county wardens, urged the enactment of a game law

¹See also Governors Messages and Index of Legislation, 1900.

providing a sufficient hunting license to defray the expenses of a more rigid enforcement of the law. The Governor of Pennsylvania suggested the combination of the duties of preserving the forests, fish and game in the interests of better administration. The Governor of South Dakota made a strong plea for the establishment of the office of State Game Warden and recommended five amendments calculated to make the existing laws more effective and productive of sufficient revenue to pay the warden's salary and the expenses of enforcement and propagation of fish and game. None of these recommendations became law. The recommendations of the Governor of North Dakota that the game law be subjected to radical revision, of the Governor of Oklahoma that imprisonment be added as one of the penalties for violating the game law, and of the Governor of Wyoming that a five year close season be made for sage chickens likewise failed to receive favorable action.

On the other hand, the suggestions of five executives met with favor. In Kansas, in accordance with the Governor's recommendation concerning a warden and a nonresident license law, the Legislature established the office of State Fish and Game Warden and required licenses for both residents and nonresidents. Illinois' game protection fund having proved larger than was necessary the proposed reduction of the resident license fee was carried into effect. Changes were made in the Michigan law in response to the demand for amendment, provisions were adopted in New Mexico protecting antelope for five years and elk and sheep indefinitely, and much needed legislation passed in Wisconsin abolishing spring shooting.

Legislation

General. Eight states, Arizona, Idaho, Indiana, Kansas, Minnesota, Missouri, North Carolina and Utah, adopted entire new game laws or codified existing statutes. Some of these codes were so comprehensive (those for Minnesota and Missouri containing respectively 68 and 71 sections) that it is impossible in the limits of a short review to mention many of their provisions, or the numerous minor amendments in seasons, methods or enforcement adopted by other states. The codification of North Carolina, however, is of special interest from the fact that since the publication of the last code in 1883 nearly 300 local laws had been passed and these (including the 67 enacted during the year) were brought together and consolidated in the Revisal of 1905. Considerable progress was also made in harmonizing the conflicting dates of the open seasons for upland game in many of the counties.

In the matter of warden service it may be mentioned that a state fish and game warden was provided for the first time in Kansas ('05 ch.267) and county wardens were authorized in South Carolina ('05 ch.489). Vermont placed its service in charge of a single commissioner ('04 ch.118), Illinois increased the number of its deputies, and California made a more liberal appropriation for warden service. Minnesota and Missouri conferred the power of search on their game officials, Wyoming authorized arrest and seizure without warrant, and Maine arrest, search and seizure without warrant ('05 ch.141).

Licenses. Additions and amendments to license laws formed one of the most prominent features of the legislation of the year. The present system of nonresident hunting licenses, which practically began in the United States in 1895, has become so general that at the close of 1905 it had been adopted in all of the states and territories except 14: Rhode Island, Connecticut, Georgia, Alabama, Mississippi, Arkansas, Texas, Indian Territory, Oklahoma, New Mexico, California, Nevada, Alaska and Porto Rico. The states which adopted nonresident licenses during the year for the first time were Arizona, Kansas, Missouri, Oregon and Vermont; those which enacted resident licenses were Kansas, Missouri, Montana and Oregon; and those which adopted alien licenses were Massachusetts, Utah, Washington and Wyoming. The success of the license system as a source of revenue is clearly shown by the returns in three of these states. In Oregon the receipts of the first year from both resident and nonresident licenses were about \$20,000, in Kansas about \$42,000, and in Missouri about \$48,000.

Important changes were also made in a number of states. Florida made the license requirement applicable to noncitizens instead of nonresidents; Maine, Montana, Minnesota and New Hampshire extended their big game licenses to all game; Illinois its resident license to cover rabbits; and Indiana its autumn ducking license to a resident license for all game. Changes in the fees were numerous and were about equally divided between increases and reductions. Tennessee adopted a \$10 license (except in about 30 counties) instead of its former variable fee; Washington replaced its \$1 county license by a \$1 license for residents, a \$5 license for nonresidents, and a \$50 license for aliens, and required corresponding state licenses of \$5, \$10 and \$50. Michigan raised the fee for resident licenses for big game from 75 cents to \$1.50, South Dakota from \$1 to \$2.50, and Wyoming from \$1 to \$2. Reduc-

tions in fees were made in the resident license of Illinois from \$1 to 75 cents, in the nonresident small game license of Montana from \$15 to \$10, and in the nonresident license of Indiana from \$25 to \$15. Montana and Wyoming made important changes in exemptions from the license requirements, and Hawaii abolished the \$5 hunting license which had been required on the island of Oahu since 1896.

Restrictions on trade in game. The most important provisions affecting the trade in game were those in the Missouri law ('05 p.158) prohibiting export and sale, which resulted in closing down the markets of St Louis and Kansas City, two of the largest game centers in the West. Kansas ('05 ch.267) also prohibited sale of plover, ducks, geese and brant, and the action of these two states caused a decided decrease in the destruction of waterfowl for market. Minnesota, always in the lead in restricting trade in game, adopted the unique provision of prohibiting the placing of game in cold storage, but at the same time made the law in regard to sale of hides more liberal by permitting sale of hides of deer, moose and caribou, obtained in other states ('05 ch.344). Other important steps were taken in some of the Western States. Idaho prohibited sale of birds, Utah export of shore birds and Arizona export of ducks, while Washington extended the privilege of exporting a limited amount of game under each nonresident license, and allowed sale of hides of big game.

In the East, Maine amended its law so as to prohibit export and sale of all ducks instead of only a few species, New Hampshire cut off all export of deer and game birds, Massachusetts prohibited sale of deer taken in the state, Pennsylvania cut off all sale of woodcock and wild turkeys but fixed an open season for sale of imported ruffed grouse, and Illinois removed the restriction confining sale of imported game during a limited season to cities, towns and villages.

Big game. The growing scarcity of big game was reflected in the legislation of nearly half the states of the Union, which took steps to secure better protection, mainly in closing the season entirely or for a term of years, or in reducing the limit or number which can be killed by each person. Utah even went so far as to prohibit all big game hunting indefinitely. Antelope were given a close season of six years in Arizona, of five years in New Mexico, and were protected indefinitely in Idaho. Only five states, Nebraska, Nevada, Oregon, Washington and Wyoming, still maintain an open hunting season for antelope. Absolute protection of elk was extended in Michigan to 1913, in Washington to 1915, and in New Mexico indefinitely. California declared killing of elk a felony ('05 ch.239), and Montana

reduced the limit to one elk in a season. Hunting elk is now permitted only in Idaho, Montana, South Dakota and Wyoming. Moose were protected until 1913 in Michigan. Caribou received additional protection for six years in Maine and until 1913 in Michigan and Minnesota. Deer hunting was prohibited in Tennessee for two years, in certain counties of Michigan until 1908, and on all islands in Washington indefinitely. California, Colorado, South Dakota and Vermont changed their deer seasons; California, Minnesota, Missouri, Montana and South Dakota reduced the limit; Vermont repealed the law allowing killing of dogs running deer; and North Carolina prohibited killing deer while swimming ('05 ch.388); Connecticut increased the penalty for killing deer from \$100 to \$500 ('05 ch.93), and authorized towns to pay damages caused by deer to crops ('05 ch.108). Colorado and New Mexico protected mountain sheep indefinitely. Montana opened the season but placed a limit on sheep, and Oregon inadvertently removed protection from sheep and other big game in four counties. Montana reduced the limit on mountain goats. New York imposed a fine of \$50 for killing a black bear contrary to law ('05 ch.319). Michigan extended the close season for beaver until 1911 ('05 ch.204) and North Dakota until 1920 ('05 ch.51); Maine authorized the commission of inland fisheries and game to destroy beaver injuring property ('05 ch.22) and New York modified its law so as to authorize the Forest, Fish and Game Commission to acquire beaver by gift, purchase or capture for restocking the Adirondacks ('05 ch.428).

Game birds. The movement in favor of increased protection of shore birds, mentioned in the *Review of Legislation* for 1904, made decided progress in 1905, especially in California, Colorado, Indiana, Pennsylvania and Utah. Massachusetts recognized the necessity of radical measures to preserve the upland plover and prohibited the killing of this bird until 1910 ('05 ch.414). Anti-spring shooting legislation also made some headway. Spring shooting of waterfowl was prohibited in the general game laws of Montana and Utah and by a special act in Wisconsin ('05 ch.113). Not less important was the defeat in New York of a special bill to permit spring shooting on Long Island. In regulating the methods of shooting waterfowl New Hampshire passed a special law prohibiting use of swivel or punt guns or any gun larger than No. 10 ('05 ch.98); and New Jersey modified its statute in regard to use of boats or sink boxes by not requiring them to be moored, but prohibiting their use more than 100 feet from ice, or heaps of seaweed not covered with water, as well as from any marsh, bar or bank ('05 ch.227).

Imported birds received attention in a number of states: Nebraska prohibited the killing of pheasants, English partridge, black cock, or other imported game birds at any time ('05 ch.187); Michigan protected capercaillie, blackgame and hazel grouse until 1910 ('05 ch.73); Arizona and Indiana extended the close season on pheasants to 1911; Minnesota, Missouri and Rhode Island to 1910; Massachusetts until 1907; and Connecticut declared an open season on pheasants during the months of October and November ('05 ch.158). Many similar provisions in regard to seasons and bag limits are contained in the general game laws but a further enumeration of them is unnecessary.

Nongame birds. The "model law" advocated by the American Ornithologists' Union and the National Association of Audubon Societies was passed in five additional states: California ('05 ch.117), Michigan ('05 ch.257), Missouri ('05 p.158), Pennsylvania ('05 ch.180) and South Carolina ('05 ch.474). The acts of California and South Carolina were separate laws, while those in the other three states were provisions incorporated in general game laws. The California law was the successful result of the third effort to secure the passage of the bill. In Pennsylvania the law had been originally passed in 1889, but was superseded by the act of 1897 ('97 ch.103 §2) and it was an open question whether any part of the earlier act remained in force. With these additions the "model law" is now on the statute books of 33 states, the territory of Alaska and the District of Columbia. Only three states east of the Mississippi river, Alabama, Maryland and West Virginia, have as yet failed to adopt it.

Notwithstanding the fact that this law covers all wild birds other than game birds, several states have found it desirable to supplement it with statutes mentioning by name certain species which seem to be in need of special protection. Thus, California passed a law protecting gulls and cranes ('05 ch.524) and New Hampshire one protecting loons inhabiting fresh water ('05 ch.34). Nevada (which has not yet adopted the A. O. U. law) passed a special act making it a misdemeanor to kill an American eagle or to destroy its nest or eggs ('05 ch.26), and New York prohibited the destruction of the nests of cranes, ravens, common blackbirds and kingfishers ('05 ch.426), although the birds themselves are given no protection. Delaware provided that justices of the peace should have jurisdiction of all cases arising under the nongame bird law and that all fines in such cases should be paid to the treasurer of the Delaware Audubon Society ('05 ch.136). It is noteworthy

that in two other states the local Audubon societies are officially recognized in the enforcement of game laws. In Michigan the society has the privilege of naming four deputy game wardens ('05 ch.257 §28) and in North Carolina it acts as the game commission of the state.

In this connection reference should be made to two acts for the diffusion of knowledge concerning birds, one in Massachusetts, appropriating \$3000 for a report by the Board of Agriculture on the birds of the state considered from an economic standpoint ('05 r.51), and the other a provision in the school law of Oklahoma requiring instruction at least half an hour each week concerning the habits and protection of animals and birds ('05 ch.33 art.12 § 2).

Novel features. Mention has already been made of the prohibition of placing game in cold storage in Minnesota. Among other novel features of the legislation of the year attention should be called to the adoption by Montana of a uniform open season for all game, thus greatly simplifying the law; the principle adopted by Oregon and Vermont of fixing certain seasons by days of the week instead of the month, the requirement by Wyoming of a \$1 permit for photographing big game in winter, and the provision in the Wisconsin law that each special deputy warden shall carry an identification card bearing his photograph, his signature, the seal of the department, and a miniature reproduction of his commission. The legislation relating to preserves while not entirely novel was unprecedented in extent. Wyoming created a large state game preserve, the first of its kind in the West, comprising about 576,000 acres immediately south of the Yellowstone National Park ('05 ch. 90). Washington authorized county commissioners to create game preserves on any island on petition of two thirds of its freeholders ('05 ch.131). Illinois provided that any surplus from the license fund could be utilized by the State Game Commissioner for the purchase and propagation of quail, prairie chickens and pheasants ('05 p.277), and Pennsylvania appropriated \$6000 for establishing and stocking public game preserves with deer and certain birds ('05 ch.320). Amendments intended to encourage the propagation of game were also made in the laws of Michigan, Minnesota, Missouri, Pennsylvania, Tennessee, Washington and Wyoming. This movement in favor of preserves and propagation is a feature of game legislation which is likely to prove of the highest interest and importance in the near future.

FISH AND FISHERIES¹

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In consequence of the meeting of a larger number of Legislatures in 1905 the legislative product relating to fish and fisheries was greatly increased over that of 1904 and was even somewhat greater than that of 1903. Thirty-one states and one territory passed a total of about 140 acts.

Governors messages. The Governor of Illinois invited attention to the great fish product of the Illinois river, and asserted that by reason of the state enactments it furnished more fish to the markets than any other river in the United States with the exception of the Columbia river. In 1901 the Illinois river alone furnished 17,000,000 pounds of fish and brought three quarters of a million dollars to the towns along its banks. He advised the extension of the fish warden service to cover the whole state, and advocated a uniform code of laws with the bordering states.

The governors of Michigan, North Dakota, South Dakota, Pennsylvania and Utah made recommendations looking to a more or less extensive revision of the body of fish and game laws.

Legislation. *New commissions.* An unusual number of states established bodies of one or more members to perform the usual duties of a fish commission. Utah ('05 ch.118) and South Carolina ('05 ch.569) provided salaried commissions, the former for fish and game, the latter for terrapin and shellfish; Minnesota ('05 ch.344) five fish and game commissioners and Nevada ('05 ch.156) three fish commissioners to serve without compensation; Idaho ('05 p.257) and Kansas ('05 ch.267) salaried fish and game wardens; and Illinois ('05 ch.271) provided for county wardens.

Investigations and new fish cultural stations. The extension of fish cultural methods to other aquatic animals is suggested in a series of appropriations by Massachusetts of \$500 each for biological investigations of the quahaug, clam, oyster and scallop. Two thousand dollars was also appropriated for obtaining and printing evidence of the destructiveness of the dogfish and other predatory fishes to the fishing industry. Colorado ('05 ch.104-6) appropriated for three new fish hatcheries, Wisconsin ('05 ch.484) for two and Washington for seven.

¹See also Governors Messages and Index of Legislation, marginal no. 1900.

Supervision of private fish culture. This is one of the most interesting of several rather new tendencies in recent legislation. Wisconsin ('05 ch.435) defined the term "private fish hatchery," made it unlawful to stock them from state hatcheries, required the numbering, registration and inspection of such hatcheries, and the branding of boxes in which their product is shipped. Michigan required trout establishments and persons selling their products to take out licenses and give bond for the faithful observance of the conditions of the act which further requires that no fish less than 7 inches in length be sold save for stocking purposes, that shipments be accompanied by a bill of lading, a copy of which must be sent to the game warden who must also receive later the consignee's copy together with a statement of the disposition of the fish. Licensees under the act can only retail their product at a regular known place of business having a conspicuous sign, and must have the invoice in their possession.

Pollution of waters. This subject increases constantly in importance from the standpoint of fish life as well as from that of the sanitarian. Pennsylvania, Rhode Island, Oregon, Idaho and Utah passed laws regarding it. Oregon ('05 ch.35) amended existing law forbidding waste wood products from sawmills and the like to be thrown into any waters of the state or so deposited that high waters would wash them into the streams, and Utah made a similar prohibition. Pennsylvania ('05 ch.188) forbade the deposition in boundary lakes of a certain size certain named industrial wastes "or any other deleterious substance." Rhode Island ('05 ch.1222) forbade pollution of public waters by "any substance which shall in any manner injuriously affect the growth of shellfish in or under such waters," or affect the flavor to the extent of injuring the sale, leaving the fact of injury to be established. Idaho ('05 p.257) passed a law aimed at "substances that will tend or may tend to the destruction or driving away" of fish, leaving a considerable burden of proof on the prosecution.

Certain subjects which include the greater part of the annual legislation on fish and fisheries are made up of many details and received their usual share of attention during 1905. These are the close seasons and the prohibition or restriction and regulation of devices for taking fishes. They deserve no special mention beyond noting that there is the same inevitable tendency of past years to increase these restrictions. Beyond these the legislation takes several directions which are becoming definite tendencies of comparatively recent origin. Such are the movement toward defining

food and game fishes, the increasing restrictions on transportation of fish, cooperation for fish culture and protection between states having waters in common, and conferences to settle vexed questions of difference and to make uniform laws, and the delegation of power to arrest without warrant for violations. Michigan ('05 ch.145) made it lawful for the United States Bureau of Fisheries to take fish and spawn for fish cultural and scientific purposes in Michigan waters, thus removing a cause of friction. The denial of fishing rights to nonresidents or the requirement of a license fee, is becoming a more and more popular form of limiting the drain on the fish supply. An important court decision concerns such an enactment.

Court decisions. *Right of nonresident landowner to fish and hunt on his land.* In Arkansas an act of 1903 made it unlawful for any person who is a nonresident of the state to shoot, hunt, fish or trap at any season of the year. A nonresident owner of a large estate continued to fish thereon, was tried for violation of the statute (State v. Mallory) and was discharged by the Circuit Court. On appeal the judgment was affirmed by the Supreme Court of the state. The decision turned on the nature of the landowner's right to take fish and game on his own land. The court held this to be a property right, curtailment of which merely on account of non-residence was both a denial of equal protection of law and without due process of law, and therefore the act violated the 14th amendment to the federal Constitution. Two justices dissented.

Eminent domain. New Jersey in 1901 passed an act to acquire among other things fishing rights common to all in fresh-water lakes in certain counties and declared that such lakes of more than 100 acres area may, in order to make available and maintain to the public the right of fishing in them, be acquired by a state commission by eminent domain as well as by other methods. The commission proceeded under eminent domain. The Court of Errors and Appeals of New Jersey decided that the right to fish in an inland lake can not be separated from the ownership of the lake and taken under eminent domain, because the natural supply of fish therein is inadequate to a public demand and because the object of the acquisition of the right is pastime and not use. On this two justices dissented. The court further held that the whole act was invalidated by the unconstitutionality of that part which aimed to delegate the power of eminent domain.



Irrigation R. P. Teele
Land Drainage John T. Stewart

IRRIGATION¹

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As in 1903, the most marked feature of irrigation legislation in 1905 was the extension of public control over the use of water. Complete codes of water laws were adopted in North Dakota ('05 ch.34), South Dakota ('05 ch.132) and Oklahoma ('05 ch.21) while public control was asserted and partial codes adopted in New Mexico ('05 ch.102) and in Oregon ('05 ch.228). In addition, Montana appointed a commission to draft a code of water laws ('05 ch.90). Since the enactment of these laws in 1905 the only states in which irrigation is extensively practised which have no provisions for the public control of the use of water are Arizona, California, Kansas, Montana and Washington. In all these, with the exception of Kansas, efforts were made in 1905 to secure the enactment of water laws, but without result.

The final purpose of all these laws is the distribution of water to those entitled to its use. A necessary preliminary to such distribution is a complete and accurate list of all rights to water. Throughout the arid region rights have been acquired without public supervision and are therefore largely indefinite, making it necessary that the state provide for the defining of these existing rights. In order that all rights acquired in the future may be defined, supervision of their acquirement is provided for. With these provisions properly enforced and all previously existing rights defined according to law, there will be in existence a complete list of rights in accordance with which the water should be distributed. A com-

¹See also Governors Messages and Index of Legislation, 2183.

plete code of water laws should provide for three things: defining of existing rights, supervision of the acquirement of rights, and distribution of water. The laws enacted in 1905 are here discussed under those three heads.

Adjudication of rights. New Mexico created a board of control and the office of territorial engineer and provided for the adjudication of rights, following exactly the procedure of Wyoming, which was the first to provide for the defining of rights by administrative officials. The Territorial Engineer is to make surveys of the streams and ditches where rights are to be defined; the water commissioner of the district in which the stream is located is to collect testimony as to the dates of construction and other facts necessary for the defining of rights; and the board of control is to define the rights on the basis of the surveys made and the testimony collected ('05 ch.102).

There is a very general opinion throughout the arid states that the defining of rights to water is a judicial function which can not properly be delegated to administrative officials, and with the exception of Nebraska, Nevada, New Mexico and Wyoming, the states which have made provision for defining rights have left it in the courts. This is true of the new laws enacted in 1905 in North Dakota ('05 ch.34), Oklahoma ('05 ch.21) and South Dakota ('05 ch.132). All these laws are substantially alike. The engineer is to make hydrographic surveys of the streams, beginning with those most used for irrigation. When the survey of any stream is completed the results are to be turned over to the attorney general, who is to enter suit on behalf of the state for the adjudication of the rights. The attorney general is to intervene in any suits for defining rights begun by private parties when advised to do so by the engineer, and in all suits regarding water rights begun by private parties all parties claiming rights to the same source are to be made parties to the action, and the court is to call upon the engineer to make hydrographic surveys and collect the data necessary for defining the rights. None of these laws has as yet been put in practice and their validity has not been tested in the courts. The most important provision and one which is essential to securing a complete list of rights to water—that actions for defining rights may be begun by public officials—has been declared void in Idaho (*Bear Lake Co. v. Budge*, 75 P.614). In that case the Supreme Court of Idaho said: "Under the police power of the state the Legislature can not authorize a public officer to bring suit to settle private rights to the use of water or the priority of such rights." It seems that the rea-

soning of the Idaho court would apply to the laws in the other states. Oregon adopted only the part of this law providing that in any suit regarding water rights to which the state is a party the court is to call upon the engineer for surveys and other data ('05 ch.228).

Acquirement of rights. The same laws which provide for the defining of rights in North Dakota, Oklahoma and South Dakota provide for the acquirement of rights in the future under strict public supervision. A party wishing to acquire a right must make application to the engineer, publish notice of this application and secure a permit before beginning construction. The engineer may return an application for correction, and may reject it if in his opinion there is no unappropriated water in the proposed source of supply or if the granting of the application is detrimental to the public interest. The engineer in approving an application fixes the times when the works shall be completed and when the water shall be applied to a beneficial use. At the expiration of time allowed for the completion of the works they are to be inspected by the engineer, who has authority to order changes. When the works are satisfactorily completed the engineer is to issue a certificate of completion. At the expiration of the time allowed for applying the water to a beneficial use, there is a second inspection, after which a license is issued defining the right which has been acquired. These laws follow very closely that of Wyoming. This system has also been adopted in Idaho, Nebraska, Nevada and Utah. In Idaho the engineer has no authority to reject an application, but must approve any application made in proper form. The interests of the state are however safeguarded in another way, which is peculiar to Idaho. There is a filing fee of \$1 for the first cubic foot per second applied for and 10 cents for each additional cubic foot per second, and the applicant for more than 25 cubic feet per second is required to file a bond, the amount of which is to be determined by the State Engineer but is not to exceed \$10,000, conditioned on the completion of the works in accordance with the permit issued ('05 p.357). In Utah the engineer formerly had authority to reject applications which he considered detrimental to the public interest, but in the first case in which he attempted to exercise this authority he was overruled by the courts, and in 1905 this power was taken away from him, as was also the authority to hold a hearing regarding the granting of an application ('05 ch.108).

Nevada in 1903 adopted a partial code of water laws, but made no provision for supervising the acquirement of rights. This was provided for in 1905 ('05 ch.46). The procedure is similar to that in

the other states. The earliest law in the arid region regarding the acquirement of rights required the appropriator of water to post and file a notice stating what he claimed, the point of diversion, and certain other facts. This law has proven entirely worthless so far as providing a list of rights, but notwithstanding this it was adopted in New Mexico ('05 ch.104) and Oregon ('05 ch.228). New Mexico in its law of 1905 followed the Colorado Constitution in declaring that the waters of the territory are the property of the public and the right to appropriate these waters shall never be denied. It is the common opinion in Colorado that this provision of its Constitution prevents the adoption of a law similar to that adopted in the other states, and it is probable that this doctrine accounts for the failure of New Mexico to provide for the supervision of the acquirement of rights.

The states and territories which now have such supervision of the acquirement of rights as will provide a complete list of all rights acquired are: Idaho, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Utah and Wyoming.

Distribution. Provisions for officials to distribute water were made in North Dakota ('05 ch.34), Oklahoma ('05 ch.21) and South Dakota ('05 ch.132). In order that these officials may have means of controlling the water diverted and measuring its quantity the owners of ditches are required to put in headgates and measuring devices. All these laws provide that in case of failure to do this within a reasonable time the water officials may refuse to deliver water to the ditch owners. Montana has not made provision for a complete list of water rights nor for public officials to distribute water, but has provided ('05 ch.64) for the appointment of commissioners by the courts wherever decrees defining rights to water have been rendered. Such commissioners must be appointed on the application of the owners of 25% of the rights included in the court decree.

Transfers of water rights. Closely connected with the distribution of water is the supervision of transfers of rights. Without such supervision of transfers as will secure a record, a list of water rights becomes of little value since it is accurate only so long as no transfers are made. The new laws adopted in 1905 all provide for application to the State Engineer for permission to make a transfer. Notice of this application must be published in order that those who might be injured by the transfer may file their objections. In Wyoming it has been the ruling of the board of control that transfers could not be made, but this has been overruled by the Supreme Court of the

state (*Johnston v. Little Horse Creek Irrigation Co.* 79 P.22). After the rendering of this decision a law was enacted ('05 ch.97) providing that transfers of water rights must be made by deed, which is to be recorded with the county clerk and also with the State Engineer. After the filing of such deed the engineer may recognize the transfer or refuse to do so. In case he refuses the one to whom the right has been transferred may sue for an injunction to restrain the water officials from interfering with his enjoyment of the right. Any one injured by a transfer recognized by the engineer may appeal to the courts.

Government construction of irrigation works. The National Irrigation Law (law of June 17, 1902) providing for the construction of irrigation works by the national government has led to the enactment of a number of laws in the arid region. The United States is given the right of way over state lands and state lands included in the areas to be reclaimed by the government works are to be disposed of only in accordance with the classification of farm units made by the Secretary of the Interior, in Idaho ('05 p.373), Montana ('05 ch.53), North Dakota ('05 ch.34), Oklahoma ('05 ch.21), Oregon ('05 ch.228) and South Dakota ('05 ch.132). Nebraska grants the right of way over state lands for government works ('05 ch.152).

Water users associations organized in connection with the government reclamation projects are exempted from corporation taxes in Idaho ('05 p.373), Montana ('05 ch.66), New Mexico ('05 ch.15) and Oklahoma ('05 ch.21).

The United States is excepted from the laws governing the acquirement of rights to water and needs only to notify the State Engineer of the intention to use certain described water supplies to have them reserved from appropriation by others in New Mexico ('05 ch.102), North Dakota ('05 ch.34), Oregon ('05 ch.228) and South Dakota ('05 ch.132).

The Reclamation Service has required the organization of water users associations under all its proposed projects, and to aid the organization of such associations New Mexico appropriated money to pay the expense of such organization, and authorized certain counties to levy assessments to raise money for this purpose ('05 ch.57). Laws enacted in attempts to secure construction of works by the Reclamation Service have been repealed in Nevada and Utah. The Nevada law of 1903, providing for the appointment of the State Engineer and minor water officials, stipulated that they should be nominated by the Secretary of the Interior or the Director

of the Geological Survey, and these provisions were repealed in 1905 ('05 ch.46). Utah in 1903 created the Arid Land Reclamation Fund Commission, for the purpose of securing the construction of works by the government, and in 1905 abolished this commission ('05 ch.70).

Carey act. The act of Congress of August 18, 1894, commonly called Carey act, grants to each of the arid states 1,000,000 acres of arid land upon condition of its reclamation. These lands are to be patented to the state and afterward by the state to the settlers. Idaho has passed a law providing for making the lands segregated under this act security for the money spent in constructing the works for its reclamation, and in order to make this effective provided that when works are completed if lands are not taken up by individuals the state shall apply to the United States for patent, after which it can transfer the land to the parties building the irrigation works ('05 p.95).

Montana formerly had a board called the State Arid Land Grant Commission, which was to provide for the reclamation of the lands granted to the state by the Carey act. In 1905 (ch.105) this board was abolished and in its place the Carey Land Act Board was created. Applications for segregation of lands are to be made to this board. The State Engineer, who is a member of the board, is to examine the plans and make recommendations as to their feasibility. He is also to make surveys for cooperative companies organized for the purpose of reclaiming land under this law. The purchase price of water rights under Carey Land Act projects is made a first lien on the lands reclaimed.

The Wyoming law regarding the acquirement of water rights requires that work shall begin within six months after the approval of an application. This is impossible under Carey act projects for the reason that a permit to appropriate water must be secured before the project will be approved by the State Land Board and the procedure in the General Land Office for the segregation of lands requires as a rule much more than six months, and construction can not be begun until the land has been segregated by the General Land Office. Provision has therefore been made that under the Carey act projects work must begin within one year from the segregation of the lands by the General Land Office ('05 p.79).

Promotion of irrigation. Several of the arid states have provided for the expenditure of money to promote irrigation development. California appropriated money for topographic surveys to be made in cooperation with the United States Geological Survey;

forestry work in cooperation with the Forestry Service of the United States Department of Agriculture; and the study of methods of irrigation in cooperation with the Office of Experiment Stations of the United States Department of Agriculture ('05 ch.157). Nebraska ('05 ch.214), Utah ('05 ch.13) and Nevada ('05 ch.95) provided for similar cooperation with the Office of Experiment Stations of the United States Department of Agriculture. Colorado appropriated \$1500 for reservoir surveys on the Rio Grande ('05 ch.130), and Utah provided for construction of reservoirs by the state for the irrigation of state and other lands ('05 ch.68).

Irrigation districts. Irrigation districts are a form of municipal organization under which landowners organize for the purpose of securing money for the construction of irrigation works and maintaining and operating the same. The essential features are the power to force into the organization those who may be unwilling to go into it, since a district can be organized upon a favorable vote of two thirds of the landowners in the district; the power to issue bonds; and the power to levy taxes for maintenance, operation, interest and sinking fund.

In 1905 Texas adopted an irrigation district law ('05 ch.122). Upon the petition of a majority of the holders of title to lands within the proposed district, who must also represent the majority of the assessed value of real estate within the district, the county commissioners are to order an election to determine whether the district shall be organized. Only qualified electors under the general election law who are also resident property taxpayers may vote in such elections. A two thirds favorable vote is necessary for the organization. The board of directors is qualified to acquire by purchase or condemnation all property necessary for the purposes of the district, including canals and works constructed or being constructed by private owners and establish rules and regulations for the distribution of water. This power to condemn existing works is not usually included in district laws, though there is a strong sentiment in favor of it in several other states, notably Nebraska, where the interpretation of the irrigation laws is such that the owners of land who are being supplied by one ditch are prohibited from acquiring a right to irrigate their lands from any other source (*Farmers' Irrigation District v. Frank*, 100 N. W. 286). This places the farmers more or less at the mercy of the owners of the ditch which supplies their lands, and in 1905 a strong effort was made to amend the irrigation district law in such a way that they might acquire by condemnation the ditch which supplies their

lands. Under the Texas law water is to be distributed to the landowners in proportion to the district taxes paid and these taxes are based upon the assessed valuation of the property. Taxpayers have, however, the right to lease the water to which they are entitled in case they do not wish to use it themselves. For the issue of bonds there must be a petition of a majority of the landowners and a two thirds vote in favor of the bonds. The bonds issued may not exceed one fourth of the assessed value of the real property of the district, and interest may not exceed 5.5%, the bonds being payable in 20 to 30 years. Bonds may not be sold for less than par. In case the bonds sold do not meet the cost of construction, additional funds may be raised by a special assessment which may be authorized by a two thirds vote of the landowners. Interest on bonds is to be raised by annual assessments and in case the board of directors of the district fails to levy these assessments the county commissioners are to do so. Construction must be paid for from construction funds raised by the sale of bonds or by assessments, but the cost of operation and maintenance may be raised by tolls or charges for water used. Districts have power to lease water for use outside of their boundaries.

There were minor amendments to the district laws in other states. In California the provision for excluding lands within the boundaries of a district which are not benefited was amended in such a way that town lots can not be excluded ('05 ch.33). The Supreme Court of California, in *Merchants Bank of San Diego v. Escondido Irrigation District* (77 P. 937) held unconstitutional the provision of the California district law giving the directors authority to pledge the property of the district as additional security for bonds issued. The bonds are a lien upon the lands within the district, but the law declared unconstitutional empowered the directors to make the bonds also a lien upon the irrigation works and other property belonging to the district.

The Colorado irrigation district law was revised and reenacted ('05 ch.113). Idaho made provision for excluding land within the boundaries of a district which is too high to receive water ('05 p.220). The Idaho district law of 1903 ('03 p.150) provided for the payment of irrigation district taxes on state lands included within a district and for the addition of the district taxes paid to the price of the land when it shall be sold by the state. This law was repealed ('05 ch.378) and provision made for appraising the benefits accruing to state lands from the construction of irrigation works and the payment of these benefits to the district by the state. The amount thus

paid is to be added to the price of the land when sold. In Nebraska the terms of irrigation district officers were extended from one to three years ('05 ch.166).

Historical review. In the review of the irrigation legislation of 1903 the writer stated that that year witnessed a greater extension of effective public control of the use of water in irrigation than any previous year. The same may be said of 1905. Previous to 1903 anything like complete public control was confined to Wyoming and Nebraska. In 1903 and 1905 such control was extended to Utah, Idaho, Nevada, North Dakota, South Dakota and Oklahoma, and beginnings were made in New Mexico and Oregon, while Washington and Montana have appointed commissions to draft codes of water laws. This great activity in enacting laws shows a very general recognition of the necessity of public control. Differences of opinion relate very largely to methods.

The earliest irrigation laws in the United States required merely the posting of claims at the points of intended diversion as a warning to the public of the existence of rights. There was in this no element of public control. A later development was a requirement that copies of these claims be filed in county offices, and still later in the offices of the state engineers, but still there was no assertion of public control. With these laws there was no provision for determining what rights were acquired, although it has been the recognized law of irrigation from the start that rights could be acquired only by building works and putting the water to beneficial use. The claims posted and filed, therefore, were not an index to the rights in existence, and the fact that they were not was so notorious that recorded claims did not deter later comers from filing claims or diverting water.

The next step toward public control was provision for the appointment of public officials to distribute water to those entitled to its use. This is the beginning of public control of water supplies, although there is in it little element of public control, since there is no restriction upon the acquirement of rights. Colorado was the pioneer in providing for distribution by public officials. On the admission of Colorado as a state in 1876 a constitutional provision was adopted stating that the unappropriated waters of the streams of the state were the property of the public and the right to divert these waters should never be denied. This constitutional provision has been held to prohibit the state from assuming complete control of its waters, and while Colorado was the first state to begin public control it has not advanced since the adoption of its first law providing for distribution by public officials.

Before its admission as a state Wyoming had copied the Colorado laws, and the failure of these laws to produce satisfactory results in either Colorado or Wyoming led to provision for much more complete public control in Wyoming when it was admitted as a state in 1890. The waters of the state were declared to be the property of the state and laws were enacted upon the theory that the state might do as it pleased with its own property. Rights were no longer to be secured merely by building works and appropriating water, but the intending builder of irrigation works was required to apply to a state official and receive a permit before beginning construction. The State Engineer, to whom applications were made, had authority to reject an application if there was no unappropriated water in the source of supply or if in his opinion it was hostile to the public interest. Later he was given authority to inquire into the financial ability and good faith of applicants. Administrative officers, i. e. the board of control, were given authority to define existing rights, making the law in this way to a certain degree retroactive.

The general principles of the Wyoming system underlie the systems adopted by the other states since that time, and public control has in none of the states gone farther than in Wyoming. In fact there seems to be a slight reaction toward a less rigid public control. Utah has taken away from the State Engineer the power to reject applications for reasons of public policy, while Idaho has not given her engineer power to reject applications for any cause. Idaho has, however, retained such supervision of the acquirement of rights as will guarantee a complete record of the rights acquired. Idaho follows Colorado in declaring that the right to divert the appropriated waters of the state shall never be denied, and while this provision has been held in Colorado to preclude the supervision of the acquirement of rights, the Idaho laws providing for such supervision have been upheld. The more recent laws have not given the administrative officials power to determine existing rights. In Idaho the law giving power to these officials to initiate actions in the courts for defining rights has been declared void, while in none of the other states has this power been tested in the courts.

None of the states has as yet attempted to direct irrigation development, even those which have assumed complete control of the water supplies. The provision for rejecting applications which are considered hostile to the public interest might be interpreted to give the engineer power to choose between applications in favor of those which in his opinion would most promote the public interest, but with the one exception in Utah, cited above, the engineers have

not attempted to use this power in this way. The reasons for the exercise of this power are economic and the advantage aimed at—the largest use of the water supply—is provided for by allowing transfers of rights and by giving to ditch companies the right of eminent domain. The laws passed in 1905 provide that they may condemn existing rights. These later laws seem to indicate that public control has reached its limit and that the bringing about of the most economical use of the water will be left to economic laws. Everything points to the territorial extension of public control till the whole arid region is covered.

For a tabulation of provisions relating to public control of water, see following page.

Public control of water, 1905

STATE OR TERRITORY	DEFINING OF RIGHTS	ACQUIREMENT OF RIGHTS		DISTRIBUTION
		Initiation	Proof of completion	
Arizona	No provision	Post and file notice	No provision	No provision
California	No provision	Post and file claim	No provision	No provision
Colorado	Courts. On application of interested party	Post and file notice	No provision	Public officials
Idaho	Courts. Surveys by State Engineer when ordered by court	Application for permit	Inspection by State Engineer	Public officials
Kansas	Courts	Post and file notice	No provision	Court officers
Montana	Courts. All claimants parties. No surveys	Post and file claim	No provision	Court officers
Nebraska	Administrative. Secretary, board of irrigation	Application for permit	Sworn statement and inspection	Public officials
Nevada	Administrative. State Engineer	Application for permit	Rules not made	Public officials
New Mexico	Administrative. Board of Control	File notice	No provision	No provision
North Dakota	Courts. Surveys by State Engineer	Application for permit	Inspection by State Engineer	Public officials
Oklahoma	Courts. Surveys by Territorial Engineer	Application for permit	Inspection by Territorial Engineer	Public officials
Oregon	Courts. Surveys by State Engineer when ordered by court	Post and file claim	No provision	No provision
South Dakota	Courts. Surveys by State Engineer	Application for permit	Inspection by State Engineer	Public officials
Texas	No provision	File notice	No provision	No provision
Utah	Courts. Surveys by State Engineer	Application for permit	Sworn statements	Public officials
Washington	Courts. On application of any interested party	Post and file notice	No provision	Public officials
Wyoming	Administrative. Board of Control	Application for permit	Inspection by superintendent	Public officials

LAND DRAINAGE¹

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Laws relating to land drainage were enacted in 1905 in 21 states and the territories of Arizona, Oklahoma and New Mexico. Twelve of these enacted new laws, some of which were to take the place of existing defective enactments, and three codified and consolidated their entire drainage code. The Legislature of California provided for the organization of a special drainage district designed to meet the conditions found necessary in the reclamation of the overflowed lands of the Sacramento valley. Minnesota and Florida have state drainage commissioners charged with the improvement of state lands by drainage, and other states provided for the assessment of state lands for the construction of drainage works. The object of all such legislation is to make cooperation possible and practicable by the organization of drainage districts under such legal regulations as will secure efficient drainage to landowners, with due regard to the property of all affected by the work.

Nearly every state contains large areas of agricultural land which may be profitably improved by drainage, which fact is now appreciated by owners. This state of affairs gives rise to a demand for special laws which will permit the construction of the necessary main drainage works by cooperative action. It should be observed that in nearly every state the administration of the laws is intrusted to county officials or to special commissioners elected by the people most closely identified with the execution of the work, the cost of which must be paid by special assessments.

The laws of the year are so long and numerous that it is practicable to fully summarize only a few of them. The provisions of the California and New Mexico laws relating to the prevention of floods and the reclamation of overflowed lands, of the Minnesota and Florida laws relating to state drainage commissions, and, as an example of a complete drainage system, the Wisconsin act revising all drainage laws, are given below:

California. Owing to the activity of the River Improvement and Drainage Association of California, considerable legislation has been enacted pertaining to the reclamation of overflowed lands by means of levees and ditches. Several minor changes have been made in

¹See also Governors Messages and Index of Legislation, 1192

existing laws, as shown by the *Index of Legislation*, and one general act relating to the reclamation of overflowed lands by ditches and levees has been passed. The Drainage Association secured the appointment of a commission consisting of four engineers, which investigated the conditions and reported on the improvement of the swamp lands bordering the Sacramento river and its tributaries. In accordance with the recommendations of this commission, a special act has been passed creating the Sacramento Drainage District.

The act creating the Sacramento Drainage District ('05 ch.368) defines the boundary of the territory included and provides for its government by a board of drainage commissioners in conjunction with a board of river control, having its office at Sacramento. There are nine drainage commissioners, the localities which they are to represent being specified, and an election is held once every four years to elect a new board, every person holding property in the district being entitled to one vote for each dollar valuation of property assessed. Vacancies are filled by appointments made by the Governor. Each commissioner must be a bona fide owner of at least 40 acres of land within the drainage district and in the section from which he is elected, and upon his election shall give a bond for the faithful performance of duty to the amount of \$10,000. The board shall meet at least once in three months and at its first meeting shall elect one of its number as president and employ such persons as may be necessary, including a secretary and an engineer. It has the power to adopt such laws and regulations not in conflict with the general laws as may be necessary for the government of the district; the right to acquire land by the various legal methods, to make assessments, to levy and collect taxes, and to sue and be sued in the name of the district. The engineer employed by the board performs such duties as usually pertain to that office. The board shall appoint three assessors having no property interests in the district, who shall determine the assessment of lands and file the report with the secretary of the board, who shall forward to each county treasurer the list of lands and their assessments lying within his county. This list shall be open to inspection and the board shall set a time and place in each county where it will convene for the purpose of hearing objections to said assessments. Persons having objections shall file them in writing with the secretary of the board before the date of the hearing, and also appear in person before the board at the hearing. After the assessment roll has been confirmed by the board, it shall be returned to the county treasurer, who shall collect assessments. All moneys collected by the county treasurer

shall be turned over to the State Treasurer and disbursed upon warrants issued by the drainage board. This board has charge of all improvements not under the Board of River Control.

The Board of River Control consists of two members, one of whom shall be a civil engineer appointed by the Governor and the other the president of the Board of Drainage Commissioners. Each member of this board holds office for four years and receives an annual salary of \$6000. They shall have control of all levees and canals and such other improvements as are constructed for the purpose of controlling flood water in the district in which either the state or the federal government, or both, are interested, and can acquire right of way and other necessary property the same as the Board of Drainage Commissioners. They shall consult with boards or officials appointed by the federal government for the improvement of streams, have charge of the expenditure of money for river improvement provided by the state and the drainage districts, examine all plans and estimates for river improvements, and make a report on the same to the State Board of Examiners. The fund subject to the order of this board is known as the river improvement fund, and is made up from assessments of benefited lands and appropriations made by the state and federal government, or both. The expenditure from the river improvement fund shall be paid out by the State Treasurer upon a warrant issued by the State Comptroller, approved by the State Board of Examiners.

The officers of all subdistricts or reclamation projects must submit to this board plans and estimates of proposed improvements and receive their approval before proceeding with construction. Any person having a contract under this commission who, in the construction of any work, shall cover up any material forbidden by the specifications, shall be punished by fine or imprisonment. The officers of all subdistricts shall make an annual report in January to the Board of Drainage Commissioners, showing the condition of the reclamation works with a complete statement of all work done and moneys expended during the past 12 months.

Florida. A joint resolution was passed proposing an amendment to the Constitution to be voted on by the state at the November election, 1906, providing for a drainage commission to consist of the Governor, Comptroller, State Treasurer, Attorney General, and Commissioner of Agriculture, the Drainage Commission to have the power to establish drainage districts, to make a list of all alluvial, swamp or overflowed taxable lands within the district, and to levy an annual acreage tax not to exceed 10 cents an acre on all such

lands, this tax to be collected by the county officials and turned over to the drainage board, the drainage commissioners' lien upon the taxable lands of the district to be superior to all other liens. The commissioners shall have authority to exercise the right of eminent domain in the condemnation of land and acquiring the right of way for drainage works, and to levy special assessments on benefited lands as provided by the Legislature. The above resolution is practically the same as '05 ch.6, which was enacted by the last Legislature and is now in effect.

Minnesota. In his message to the Legislature Governor Van Sant called attention to the act of the Legislature of 1901 creating a drainage law and appropriating \$50,000 for drainage purposes, stating that it had been the purpose of the drainage board to locate ditches where the most benefit would accrue to state lands, and that the work had reclaimed thousands of acres and added value to adjacent lands far in excess of the cost of the work.

Governor Johnson in his message called attention to the large tracts of swamp land in the northern part of the state and urged the enactment of a law having for its purpose the drainage of these lands. He recommended the establishment of a fund from which the expense of the improvement could be met, the money thus expended to be returned to the fund in deferred payments without interest, from taxes levied upon and collected from the lands benefited. This fund would thus be kept intact and would permit of a more rapid development of the drainage system and would relieve the Legislature of future appropriations for drainage purposes. He also called attention to the National Swamp Land Grant by which thousands of acres of swamp land were deeded to the state upon condition that the lands be drained by the state.

An act ('05 ch.106) provides for a drainage commission for the improvement of the state lands ceded to the state by the federal government in 1850 with the provision that the proceeds of said lands shall be used for improving them. This commission consists of the Governor, State Auditor and Secretary of State. The commission is instructed to determine the number of acres of wet land belonging to the state, where they are located, and where ditches and drains will be necessary to make them agricultural lands, and they shall cause ditches to be constructed of the size and capacity necessary to provide good drainage. They are also to determine when and in what manner the work herein provided shall be done. If the moneys available are not sufficient to construct all the necessary drainage, they shall execute such a part of it as the present funds will cover.

They can appropriate such lands as they find necessary for drainage improvements, and where the price of such lands can not be agreed upon the court shall appoint three persons to assess the valuation of such lands. In case either party is dissatisfied appeals may be taken to the district court, but construction shall not be delayed by the proceedings where land is appropriated.

Chapter 159 provides that the Drainage Commission shall employ such engineers and help as are necessary, and make a survey of all state swamp lands and the location and size of such ditches as will be necessary for their drainage, with an estimate of their cost. The engineer so employed shall make a report to the Drainage Commission not later than November 1906, and his report shall be embodied in the report of the commission at the next session of the Legislature.

A law was enacted ('05 ch.230) providing for the boards of county commissioners to organize drainage districts for the improvement of streams and swamp lands by levees and ditches. Ditches shall follow as near as practicable the natural courses of streams and watersheds. No meandered lake shall be drained unless such lake is shallow and of a swampy nature, and a petition of 75 persons owning land adjacent to a meandered lake shall be sufficient to prevent its improvement by drainage, or if a village is located on the banks of such lake it shall not be drained, neither shall any body of water which is used as a source of water supply for a city be affected by drainage. Overflows from meandered streams or lakes may be removed by drainage improvement. A petition signed by not less than six persons owning land in the district, setting forth the necessity for improvement and describing the land included, shall be filed with the county board, together with a bond sufficient to cover the preliminary costs. Each person affected by the petition shall be notified by the county auditor and a date set for hearing. If the board is satisfied that the foregoing conditions have been complied with it shall appoint an engineer to make a survey of the proposed improvement, with an estimate of its cost. He shall make a survey down the stream, setting stakes every 100 feet, and make a computation of the yards of excavation in each 100 feet of length, and shall make a statement of all other improvements, bridges etc., that will be necessary for the completed work. He shall include in his report a form of contract and specifications for the construction of the work, the county attorney giving the engineer such assistance as needed in the drawing up of the contract and specifications. If the engineer shall find a better route for the ditch than that

specified in the petition he may, with the consent of the bondsmen for the petitioners, change the location. At the time the engineer is appointed or soon thereafter the commissioners shall appoint three viewers, who shall be disinterested persons and no kin to a resident of the district. These viewers, either with or without the engineer, shall view all the lands in the district and make an assessment of the benefits and damages caused by the proposed improvement. The benefits assessed against the lands shall be proportioned to the benefit the land will actually receive from the proposed ditch and not on what it would receive if some other ditch were constructed. The viewers shall file the report with the county auditor, who shall call a meeting of the board. He shall also notify each person affected by the petition of the day the board will convene for hearing on the report.

In case the order of the commissioners establishing a drainage district is set aside inside of one year, the petitioners can re-petition the board and the district organization can be taken up without making a new survey or assessment. On the day set for the hearing by the board, persons interested may appear and file their objections to the assessment. In case the assessors have not agreed in their report, or any of the assessments seem unjust, the board can equalize them and confirm the assessment roll, but if on any piece of property the assessment for damages is greater than benefits, a check shall be drawn on the county treasurer for the balance, payable to the owner. In case either party is not satisfied, he may appeal to a higher court by giving a bond sufficient to pay the costs if the appeal is not sustained, but the work of construction is not to be delayed by any such proceedings. If more than two persons appeal, they may be consolidated and tried together, but the rights of each shall be separately determined. Within 10 days after filing the order establishing a ditch, the commissioners shall advertise for bids on the work. The auditor with the approval of the engineer shall let the contract either in sections or altogether to the lowest responsible bidder, who is required to give a satisfactory bond. The engineer shall inspect all work completed, and if satisfactorily done shall certify the same to the board, and the county auditor shall draw a warrant on the treasury for the amount due the contractor for such work. If there is not sufficient money in the fund to pay the warrant it shall draw 6% interest until paid. By written approval of the engineer, the contractor may receive during the progress of the work 75% of the amount due him. The board may issue bonds for paying the cost of the work, which shall

be payable at such time as the board may determine, not to exceed 10 years, and bear interest at a rate not to exceed 6%, but in no case must the bonds be sold for less than par.

At the earliest possible date after the letting of contracts the county auditor shall make out a tabulated list showing the names of all landowners or corporations in the district, the descriptions of the lands, the number of acres benefited, and the amount of benefits and damages assessed to each tract, and the amount that each tract must pay for the proposed improvements, and also make a statement of the cost of the ditch. The ditch should always be referred to as No. — county ditch. The amount of the assessment upon each tract of land becomes a paramount lien on the land, and shall bear interest at the rate of 6% after the date of filing of the auditor's statement. The principal and interest of bonds due each year shall be entered on the tax list and collected with other county taxes. All state lands shall be liable to assessment the same as private property, and the sum of \$5000 is set aside by the state from which such assessments are to be paid. Railroads, towns or county roads which are benefited by drainage improvements shall be assessed according to the benefits received.

After the drainage works have been constructed they shall be kept in repair by the board, the cost of repairs to be paid out of the general fund of the county, which is to be reimbursed by assessments on the land, made in the same proportion as those for original construction. When it is desired to construct a ditch in more than one county the petition shall be presented to the district judge, the clerk of the district court acting in all procedures in the same capacity as the county auditor and the judge the same as the board of commissioners, and the ditch shall be known as Judicial Ditch No. —. The county auditor shall notify any municipality or corporation when a bridge or culvert is to be constructed upon its right of way, and if such municipality or corporation does not construct the bridge or culvert within a reasonable time, the same shall be constructed by the board and charged up to the damages or benefits assessed against that organization. In no case shall the assessment against the property be greater than the benefits.

County boards may cooperate with the State Drainage Commission in any manner which may conserve the best interests of both. Any person who obstructs or injures any drainage work is guilty of a misdemeanor and shall be liable to the person or corporation injured in an amount treble the damages done. Any drainage officer who neglects his duty shall be guilty of a misdemeanor and also liable

in treble damages, and the county attorney shall prosecute the above under the criminal code. This act shall be liberally construed so as to promote the public health, construction and improvement of roads, and the drainage and reclamation of overflowed lands.

For the purpose of making examinations and surveys, viewers, county commissioners, and the engineer can enter upon any land and do any act necessary in the performance of their duty, and any person interfering with or preventing them shall be punished upon conviction by the court. If the court shall at any time modify any assessment to conform to an error which has been made, it shall in no manner affect other assessments.

Any aggrieved party may appeal to a higher court by giving a satisfactory bond. Persons so desiring may petition to construct and maintain a county or judicial ditch at their own expense. They shall file with this petition a bond sufficient to cover any damages which may arise from such action. When such petition has been filed, notice shall be given and an opportunity for any interested person to appear at a hearing and file objections. The board may appoint viewers and an engineer to look over the proposed improvement and make a report. After receiving such report the board has discretionary power to grant such petition.

New Mexico. The Legislative Assembly passed an act ('05 ch.19) giving the county commissioners of the counties of the first class discretionary powers to levy a tax annually on all taxable property within 5 miles of either side of a river running through such counties, to an amount not to exceed 2 mills on the dollar. This levy is to create a fund from which such drainage improvements as may be necessary to control the flood waters of the stream may be constructed. The board is authorized to examine streams and water-courses in the counties, which are liable to overflow and cause damage, and may appoint an engineer to survey and make plans for the improvement of such streams and may proceed with the construction of such works as the engineer recommends, the work to be done under the direction of an engineer authorized by the board and to be let after proper notice, to the lowest responsible bidder who can give sufficient bond. Upon approval of this work by the board the cost shall be paid by warrant upon the county treasurer out of the funds raised by the drainage taxes. The board and its agents shall have free and unobstructed entrance on all lands necessary to carry out this act and shall not be liable to any damage except for wanton injury to property, and where it is necessary to

acquire right of way for the proposed improvements the same shall be done by condemnation or other legal methods. The law provides that at times of sudden flood the board may call out all able-bodied citizens under the age of 60 residing within the area, and require them to work for not to exceed five days in any calendar year, if their services are needed. Persons owning teams can be required to bring their teams for the same number of days. Any person so summoned must render services in person or furnish a substitute, or pay in cash the sum of \$1.50 a day for each day his services are required. This summons can be made through any of the peace officers. The officers making such summons shall receive a compensation of \$2.50 a day while actually engaged in serving, the same to be paid out of the drainage fund. Any person who fails to appear when so summoned shall be fined not less than \$5 nor more than \$25, or imprisoned in the county jail not to exceed 10 days, or both fine and imprisonment. The officer who shall receive money in lieu of work shall keep a correct list of persons paying the same and make a report to the county treasurer, who shall deposit the amount to the credit of the county flood fund. The board is also authorized during sudden floods to order headgates of ditches to be closed or flood waters drained through ditches or other channels already cut or to be cut for the purpose, as the necessity of the case may require. The boards of different counties can act jointly in the construction and maintenance.

Wisconsin. An act has been passed ('05 ch.419) revising and consolidating the drainage laws. This act provides for the organization of drainage districts when a petition has been filed with the Circuit Court signed by a majority of the adult owners of land, who shall represent one third of the land area within the district, or when signed by one half of the landowners within the district who desire to construct drainage improvements across the lands of others. The petition shall specify the name of the district, the necessity for the work, give a general description of the improvement of the lands included, and the names of the owners. A petition lacking the required number of signers shall not be declared void, but the court may permit it to be amended by additional names, or several petitions may be circulated and brought together and considered as one petition. On the filing of the petition the judge shall set a time for a hearing and the clerk of the court shall give 20 days' notice of its date by posting notices in five public places in the district, and announcing the date for three successive weeks in a newspaper in each county. This notice shall describe the proposed

work and give the facts contained in the petition. If it shall be found that some of the persons affected by the district have not been properly notified before the day of the hearing, the court shall adjourn the hearing until the proper notice has been served on such persons. On the date of hearing interested parties may appear and contest the sufficiency of the petition, of the signers of the notice, the constitutionality of the law, and the jurisdiction of the court, specifying their objections and offering competent evidence in regard thereto. The judge shall pass on these objections and if he finds them well founded may dismiss the petition at the cost of the petitioners, but if he shall find that the petition is properly presented and the objections are not well founded, he shall appoint three commissioners, who shall hold office for a term of two years and shall receive \$3.50 a day for time employed and reasonable expenses. The commissioners shall organize and elect one of their number secretary, and shall personally examine the lands in the district and make a preliminary report to the court, in which they shall state the necessity and general utility of the proposed work and whether the total benefits would exceed the cost, and shall also, as near as may be, fix the boundaries of the district. Such boundaries, however, shall not be changed from those named in the petition sufficiently to deprive the court of jurisdiction. If the commissioners think that the plan described in the petition is not the best for the purpose named, they shall report a revised plan that will carry out the intentions of the petitioners and present it to the court. Upon the filing of the preliminary report the judge shall fix a time when the report shall be heard. Notice of this hearing shall be published in the papers of each county for three successive weeks prior to the hearing. All objections to this report shall be filed in writing at least five days before the day fixed for the hearing. These objections shall be tried without a jury and if the court decides against the petition it shall be dismissed and the cost paid by the petitioners, but if the court finds in favor of the petition it shall declare the district organized under the name stated in the petition and with such boundaries as have been fixed by the commissioners. The commissioners who have been appointed shall be the corporate authority of the district. As soon as practicable after the confirmation of the preliminary report, the commissioners shall have all necessary surveys, plans and estimates made and report the same to the court. If they do not find the route of the proposed drainage and the boundaries of the district practicable as described

in the preliminary report, they shall report to the court such changes as may be necessary. They shall also report the damages sustained by any tract of land and the assessed benefits, and the cost of keeping such improvements in repair after completion. Upon the filing of this report the court shall set a time and place for hearing any person who desires to remonstrate against its confirmation, giving the prescribed notice of the same. Any person or corporation affected by the proposed improvement can appear at the hearing and remonstrate against the whole or any part of the proposed work. The court may set a time for hearing the remonstrances of any person or corporation on the matter of assessments of benefits or damages, and may impanel a jury and take its verdict upon the trial of such issue. If the finding of the court be against the validity of the proceedings, the defect shall be remedied or the proceedings dismissed, but if the finding be in favor of the validity of the proceedings, they shall be confirmed, and this finding shall be final and conclusive unless an appeal is taken to a higher court within 30 days. At the time of confirming the assessments the court may order them to be paid in not more than 15 instalments, but in such amounts and at such times as will be convenient for the accomplishment of the work, or for the payment of principal and interest on such notes or bonds as the court shall grant authority to issue. The first instalment shall become due not more than five days after the date of the order, and each instalment shall draw interest from the date of the order. Unless the order provides otherwise, the assessment shall be payable at once. Within 30 days after the confirmation of the report any landowner shall have the privilege of paying to the court the total amount of his assessment and relieve his land of the lien. Assessments for keeping drainage structures in repair shall be payable annually on the first Tuesday of September. Commissioners having charge of completed drainage improvements shall file with the clerk of the court in June of each year, a report specifying the work necessary for the preservation and protection of the work under their control and the sum to be assessed against the lands to make such repairs. All such assessments shall be proportioned on the last assessment of benefits confirmed by the court, but the amount collected annually for this purpose shall not exceed a sum greater than would be produced by a levy of 30 cents an acre on the land benefited. Within 20 days after assessments have been confirmed, the commissioners shall give notice through the newspapers published in the county, for two consecutive weeks, where and when

the assessments may be paid. Assessments not paid when due shall be certified to the clerk of the town or village in which the delinquent lands are situated and shall be entered upon the tax books in the same manner as other taxes. If the assessments are not paid at the time of other tax collections they shall be returned to the county treasurer who shall sell the delinquent lands the same as delinquent lands for other taxes. Immediately after confirmation of the assessments the clerk of the court shall certify to the register of deeds of each county the sum assessed against each tract of land. Assessments for construction shall be payable in instalments and draw interest at the rate of 6% a year. In case the interest is not paid when due, its collection shall be enforced the same as assessments. The commissioners of the district have the right to plan, estimate and construct all drainage structures necessary, acquire right of way by condemnation or other legal methods, to enter upon any lands for the purpose of inspection or making surveys, and to construct ditches or levees across highways, railroads or other public or private property. However, they shall be subject to damages for any injury that may be caused to such property. If the first assessment for construction is not sufficient to complete the work, an additional one may be made under the direction of the court without further notice. Such additional assessment shall be treated in the same manner as the original assessment. In case any tract of property benefited has been omitted in the assessment, the commissioners may agree with the owner regarding it or they may make an assessment and file it with the court. The owner shall be properly notified and have an opportunity of filing objections, and the court shall decide the amount to be paid. Commissioners may borrow money not to exceed the amount of assessment, for the construction or repair of any work, and may secure the sum by notes or bonds bearing interest not to exceed 6 % a year. Where the cost of the work to be done exceeds \$500, it shall be let to the lowest responsible bidder, commissioners having the right to reject any or all bids and to readvertise and hold another letting. All damages allowed to the owners of land shall be paid or tendered before such land shall be entered upon for construction. If the owner is unknown or will not receive the payment, the amount of the damages must be deposited with the clerk of the court. When any person owning land in a district shall file a petition with the commissioners stating that his lands from their natural location are cut off from any ditch and he can not secure an outlet without constructing a ditch through

the lands of others and for which he will have to pay an exorbitant price, the commissioners shall set a time for hearing the complaint and notify all interested, and if at the hearing it is shown that the statements set forth are true, they shall order the drain laid out and assess damages and benefits to lands through which it passes, a notice being served upon all those interested, who shall have an opportunity of remonstrating against the assessments. Said order shall be final unless an appeal is taken within 30 days to the Circuit Court having jurisdiction in the district. The commissioners shall proceed to construct the drain, which shall become a part of the drainage system of the district. When the owners of land lying contiguous to any drainage district desire to drain their lands into the ditches of the district, a petition signed by more than one half of the landowners, who shall represent more than one third of the land lying in the proposed extension, shall be presented to the court. This petition shall describe the lands, give the names of the owners and their reasons for desiring to be annexed to the district. After due notice the court shall hear the petition, and if it is confirmed the proceedings shall be the same as in a new district. The land added shall pay an assessment sufficient to cover its proportion of the original cost of the drainage improvements. Whenever any lands lying outside of a district are benefited by the work of the district, the commissioners may report this fact to the court, who shall order the owners of such lands to be notified and to give reasons why their lands should not be brought into the district and assessed for the benefits. All remonstrances shall be filed in writing and any issue arising shall be tried by the court without a jury, and if the court finds that the commissioners' report is true, it shall cause the lands to be annexed and assessed an amount sufficient to pay for the benefits received. This order shall be final unless an appeal is taken to a higher court within 30 days. When any lands outside of the district have been injured by the improvements in the district, damages may be allowed by a mutual agreement between the commissioners and the persons so injured, or they may be recovered in an action at law. The boundaries of a district shall not conflict with those of any other district either above or below, and if through the proposed improvement any cost shall be entailed upon a lower district, the higher district shall be liable for the increased cost. The court has supervision of the commissioners at all times and can require them to make a report at any time on any matter connected with the district and may remove any commissioner from office or fill a vacancy by appointment.

Whenever an assessment against a city or town is confirmed, the sum to be paid shall be certified to the clerk of the city or town, who shall place the amount upon the next tax roll as a part of the taxes to be collected. Whenever the assessment exceeds 1% of the assessed value of the property in a city or town, the assessment for drainage construction shall be divided into instalments, no one of which shall be greater than 1 % of the assessed value, and each instalment shall bear interest at the rate of 6%. At the time of construction the district shall repair or build all highway grades or bridges which are interfered with or made necessary by the drainage improvement, but afterwards their maintenance and repairs shall be assumed by the township. After five years from the confirmation of the commissioners' report the Circuit Court shall, if petitioned by one fourth of the owners of the lands in a drainage district, order a new assessment. Such reassessment shall be according to actual benefits without reference to the original report or whether the lands were assessed for benefits or damages. The report of this reassessment shall be returned to the court, which after due notice will give a hearing and make such modifications as it thinks necessary, and then confirm the report. All assessments thereafter shall be levied and collected on a basis of this reassessment. The provisions of this act are to be liberally construed to promote the public health and welfare by the reclamation of swamp and overflowed lands by such drainage structures as are necessary. The collection of assessments as confirmed by the court shall not be obstructed by any omission or defect in the organization of the district prior to the order confirming the assessment.

COMMERCE AND INDUSTRY¹

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The general character of the state laws enacted in 1905 is reflected in the following list: weights and measures, adulterations and imitations, branding, inspection, associations, exchanges, speculation, warehouses, markets, regulation and licensing of trades and occupations, miscellaneous trade regulations, encouragement of industries, navigation and water ways.

Weights and measures. Efforts to protect the public in the matter of weights and measures are reflected during the past year in various recommendations of governors and in the enactment of 19 laws on this subject. The Governor of Utah called attention to the fact that the existing law regulating the testing and sealing of weights and measures was a dead letter and should either be repealed or made more effective, while the Governor of West Virginia renewed his recommendation of 1903 that general legislation on this subject should be enacted. New laws were passed by Idaho ('05 p.364) and North Dakota ('05 ch.194), the main features of which established a uniform standard of weights and measures, provided for a state sealer and inspector and penalties for violation of the law. Several states amended existing laws, the general purport being to insure more effective control. The larger number of laws relate to special commodities, such as butter, cranberries, hay, straw, coal, wheat, corn, hops etc., the legislation aiming to protect the public by securing fixed weights and measures. One of the most interesting laws and one which might well be copied is a law of Minnesota ('05 ch.286) which authorized cities and towns to establish public wagon scales where "any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such scales by paying the fee charged for weighing thereon."

¹See also *Governors Messages and Index of Legislation*, 1422.

Adulterations and imitations. Inspection. The governors of several of the states recommended more efficient regulations regarding the inspection of illuminating oil. Governor Herreid in his annual message referred to a law enacted in 1903 "which has given the people relief from the adulterated oils for which South Dakota has become a favorite dumping ground. . . For two years the supply of oil has been satisfactory. The people will never again submit to the conditions which existed prior to the enactment of the present law." Nearly 30 laws have been passed by various states in regard to adulteration, branding, inspection etc. Most of these laws were amendments of existing statutes. As regards adulterations the subjects treated were gold and silver ware, linseed oil, and dairy, food and petroleum products, especially the last named. More efficient inspection was the keynote to most of these laws. A law in Oregon ('05 ch.46)—interesting as showing the cooperation of state and federal governments—appropriated money for the establishment at the University of Oregon of a laboratory for the testing of the lumber, timber, stone, rock and other building material of the state, this appropriation being based upon the offer of the federal government to furnish a competent engineer to test the strength of the building material of the state.

The modern extension of the market, due largely to the developed means of transportation and communication, has caused the right in "incorporeal" property to become of increasing importance. Many of the states during the past year have legislated in the direction of insuring greater protection in the use of trade-marks, trade names, labels, society badges and other forms of advertisements. The laws provide more stringent regulations regarding registration and licensing. The Pennsylvania law ('05 ch.210) which is an amendment of a previous law is especially comprehensive.

Associations. Exchanges. Speculation. Under this heading four laws were passed which dealt almost exclusively with the subject of "bucket shops." With the exception of North Carolina all the states enacting these laws are in the Northwest: Minnesota ('05 ch.133), North Dakota ('05 ch.58) and South Dakota ('05 ch.115). The statutes define a "bucket shop" and make it unlawful for any corporation, association, copartnership or person to keep or cause to be kept any such shop. The usual penalties are heavy fines and imprisonment. According to the North Carolina law ('05 ch.538) no person may be excused from testifying touching anything done by himself contrary to the statute but such testimony

shall not be used against him in any penal or criminal prosecution and he shall be altogether pardoned of the offense so done or participated in by him.

Warehouses. Markets. In this category 18 laws, including amendments, have been passed during 1905, their general trend being to protect producers and the public in general, as well as to facilitate this method of marketing. There is an increasing recognition as to the public character of warehouses and markets. Attempts to do away with discriminations are shown in laws passed by the Legislatures of Minnesota ('05 ch.302) and Wisconsin ('05 ch.479). The former law stipulated that a public warehouseman "shall receive for storage or shipment, so far as the capacity of his warehouse or elevator will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind." This law as well as the laws of other states is very specific regarding the issuance of numbered receipts for all grain warehoused, failure to do so or the giving of receipts without the storage of grain or other commodities subjecting the warehouseman or any person a party to the collusion to fine or imprisonment.

The Wisconsin law aims against railway discrimination by compelling railroads to furnish at a "reasonable rental" to parties desiring to construct a public elevator or warehouse, a site upon its vacant right of way or depot grounds, within the yard limits of any station or terminal of such railroad. The enforcement of this law is left to the railroad commission, who also determine what a "reasonable rental" is, when there is a disagreement on this point.

Other laws passed during 1905 which aim to protect all classes interested in the use of warehouses and elevators, prescribe bonds of warehousemen, increase the negotiable character of receipts (Vt. '04 ch.156; Cal. '05 ch.452), require annual reports and the maintenance of maximum charges (Kan. '05 ch.496) and provide for more effective inspection, a law of North Dakota ('05 ch.113) enacting that the government Agricultural Station determine and publish the comparative milling values of different grades of wheat.

An interesting law in North Dakota ('05 ch.110), amending a former law, entitles the holder of a receipt *upon demand* to receive the same quality and amount of grain delivered *at any terminal point* or at the same place where the grain was received, on the payment of reasonable charges.

Regulation and licensing of trades and occupations. Over 50 laws have been passed in this category during 1905. They affect various classes, architects, accountants, barbers, commission merchants, hawkers and peddlers, junk and secondhand dealers, nurses, veterinary surgeons, and others. Most of these laws relate to the licensing or examination and registration of these various classes. Some laws are general in their scope, while others, which are largely amendments of existing laws, are more special in character. Nearly 20 laws relate to hawkers and peddlers, practically all the states requiring licenses for these itinerant merchants. Many of the laws enlarged the classes of persons belonging in this category. Some states require a certain license of itinerant vendors who sell their wares on foot and a higher license for persons who make their sales from wagons. In many of the states there are certain class exemptions, notably war veterans and farmers who sell their produce in neighboring towns. Such exemptions have been declared unconstitutional in many of the states. A law of Arkansas which was passed in 1901 provided that any person, either as owner, manufacturer or agent, who without license shall travel in any county and peddle certain specified articles, shall be deemed guilty of a misdemeanor, but that the section shall not apply to any resident merchant in said county. It was held by the court in 1905 (*ex parte Deeds*, 87 S. W. 1030) that the act was in violation of the 14th amendment of the federal Constitution prohibiting a state from denying to any person within its jurisdiction equal protection of the laws. It further violated the state Constitution (art. 2 § 18) by being class legislation. It is interesting to note in this connection that in order to obviate any constitutional difficulty a constitutional amendment has been proposed in Minnesota which specifically exempts from a peddler's license those who "sell or peddle the products of the farm or garden" occupied and cultivated by them.

Two general laws regarding accountancy have been passed in Florida ('05 ch. 54) and Michigan ('05 ch. 92) which are very similar to the laws passed in 1904 by the Legislatures of Illinois and Washington. Their main feature is the appointment of a board by the Governor which is to examine applicants and issue the certificate of Certified Public Accountants (C. P. A.) to those who successfully meet the requirements laid down by the board.

Several of the states enacted laws calculated to raise the standard of efficiency of professional nurses and veterinary surgeons. The general feature of these laws is a state board appointed by the

Governor with power of granting certificates to applicants who pass examinations in certain prescribed subjects. In California regents of the State University hold examinations to test the qualification of trained nurses.

The most important feature in the laws relating to junk and secondhand dealers is the provision making it unlawful for these dealers to purchase of minors without a written permission of parents or guardians and requiring them to keep a record of such purchases from minors (Me. '05 ch.78).

An act passed in the state of Washington which required horse-shoers to pass an examination was declared unconstitutional by the Supreme Court of the state (in re Aubry, 78 P. 900) on the ground that the trade was not one affecting the health, welfare and comfort of the public and hence not justified by the police power.

Miscellaneous trade regulations. Twenty-five laws of a miscellaneous character relating to trade regulations were passed, most of these referring to the use of business names, advertisements, discriminations, legal and public holidays and the use of trading stamps. An amendment to the Civil Code of California ('05 ch.442) relating to the transfer of the goodwill and name of a business stipulated that the person transferring the goodwill of his business may also transfer with it the right of using the name under which the business is conducted. Attempts have been made in many of the states, especially in recent years, to check the defacement of natural scenery and other conspicuous objects by unsightly advertisements. A Maine law ('05 ch.33) stipulated that a person advertising his wares or occupation by painting notices of the same on, or affixing them to fences or other private property or to rocks or other natural objects without the consent in writing of the proper authorities is punishable by a fine.

As regards discriminations, a sweeping law was passed in Kansas ('05 ch.2) whereby it was enacted that any one doing business in the state and "engaged in the production, manufacture or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities or cities of this state, by selling such commodity at a lower rate in one section, community or city or any portion thereof than is charged for such commodity in another section, community or city, after equalizing the distance from the point of production, manufacture or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination." Severe penalties are prescribed for such discriminations

whether they be by domestic or foreign persons or corporations. An interesting law was passed in Utah ('05 ch.106) which declared any unjust discrimination against publishers of newspapers, by persons, association of persons, and corporations engaged in the business of gathering and distributing for publication, information or news, to be unlawful.

There is a general tendency in the United States toward increasing the number of legal and public holidays, and making those already in existence more effectively observed. This tendency is due in part to the efforts of labor organizations as well as to others who are interested in general social betterment. Eleven states enacted laws along this line during 1905.

The use of trading stamps has been very much deprecated in recent years, especially by large numbers of the mercantile class. Many states have gone so far as to prohibit altogether their use in mercantile transactions. Eight laws were passed in various states in 1905, some of them prohibitory in character, others aiming to safeguard the public by greater restrictions in the use of trading stamps. A decision of the Supreme Court of New Hampshire (*State v. Ramseyer*, 58 A. 958) declared unconstitutional the state law ('99 ch.60) which prohibited the giving away of trading stamps with articles of merchandise purchased, entitling the purchaser to other articles on exhibition at the store of the trading stamp company and making a violation thereof punishable by fine, etc. The court stated that it "is unable to discover how it promotes the public welfare as a police regulation. Indeed, the title of the act does not indicate such a purpose. It is denominated 'an act to prevent the use of trading stamps, coupons and other devices on the sale or exchange of property.' In the absence of sufficient evidence that it is a police regulation, it can not be judicially declared to possess that character; and, if it is not under the Constitution an exercise of the police power, it finds no justification in that instrument and is rendered invalid by the second article of the Bill of Rights. . . . But the legislative prohibition of a business not harmful to society in any of its essential features, though comparatively novel and peculiar, can not receive judicial sanction merely because the prohibitive business stimulates competition among merchants in disposing of their wares, or affords an unusual method for commercial advertising."

Encouragement of industries. Thirty-five laws for the encouragement of industries were passed, 24 of these relating to appropriations for the purpose of furthering state representation at the

Lewis and Clark and the Jamestown Expositions. Several states enacted laws granting bounties and other favors for the production or manufacture of sugar beets. Several years ago Nebraska enacted a law ('95 ch.1) "to provide for the encouragement of the manufacture of sugar and chicory and to provide a compensation therefor." This act was recently declared to be contrary to the state Constitution (*Oxnard Beet Co. v. State*, 102 N. W. 80) which provides that "no bill shall contain more than one subject and the same shall be clearly expressed in its title." The purpose of this constitutional inhibition was to require each proposed measure to stand upon its own merits and to prohibit the joining of several measures in one act in order to combine the friends of each measure and pass the bill as a whole, where probably a majority could not be procured in favor of any one of its different objects. The court in reviewing the case stated that it could not "escape the conclusion that the friends of the manufacture of each of these different products were gathered together for a common fight for the bill in this omnibus form, when, perhaps, a provision for the encouragement of either, standing on its own merits, might have failed of passage." The claim that even if the act be unconstitutional "there is still a moral and equitable duty resting upon the Legislature to pay the bounty" was denied by the court.

In his annual message Governor Heyward of South Carolina said: "It has been practically demonstrated that our climate is admirably adapted to silk culture. . . as a profitable and desired addition to our diversified crops, I think this an important subject for our careful consideration." It is interesting to note that the Utah Silk Commission ('98 ch.2) has been abolished ('05 ch.59) the repealing law prescribing "that all property now in the hands of the Silk Commission, belonging to the state, be turned over to the Experimental Station of the Agricultural College of Utah, for experimental purposes, and that the balance of cash now in the hands of the commission be turned over to the State Treasurer."

In recent years many states have in various ways attempted to attract capital and immigrants. The governors of several states referred to this subject in their annual messages in 1905, most of them recommending the appointment of agents or commissions with power to advertise the various resources of their states. Massachusetts ('05 r.57) appropriated \$500 for publication by the Bureau of Statistics of Labor of information as to unutilized industrial opportunities. Similarly New Hampshire ('05 ch.96) appropriated

\$3000 for the purpose of advertising not only the natural resources of the state but also its advantages for summer residences. North Dakota ('05 ch.26) appropriated \$20,000 to be used to disseminate information regarding its agricultural possibilities with a view to attracting immigrants, while Wyoming authorized an expenditure of \$2500 for publishing and distributing 5000 copies of a pamphlet showing the various industrial possibilities of the state. A Wisconsin law ('05 ch.458) permits county boards of supervisors to appropriate \$1000 annually "solely for the purpose of inducing immigration to the state."

Navigation and water ways. No noteworthy laws relating to navigation and water ways have been passed. Perhaps one of the most interesting enactments was the appointment in Illinois ('05 ch.40) of an Internal Improvement Commission to investigate "the various problems associated with a projected deep water way from Lake Michigan to the Gulf of Mexico and the reclamation of lands subject to overflow or inundation, the construction of practical and substantial levees, the ascertaining of the acreage of lands now subject to inundations from rivers, the increase from benefits to be derived from this proposed deep water way and reclamation of lands subject to overflow or inundation, and such other statistics and data" as will enable the General Assembly to formulate laws to carry these projects into effect. Rhode Island extended to 1906 the term of the commission appointed in 1903 to investigate the shipping interests of the state in Providence and in Narragansett Bay. Several of the states enacted laws for the improvement of harbors, wharves, docks, piers, inland water ways, pilotage etc. Some of these laws were municipal enabling acts and others represent efforts on the part of the states toward cooperation with the federal government in promoting or protecting the internal commerce of the country.

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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 290

BANKING¹

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General statutes. The states of Idaho, North Dakota and Texas have passed general banking acts. The *Idaho* statute provides for the appointment by the Governor of a bank commissioner to whom all banks must report at least twice a year and who shall visit and examine each bank at least once a year. He is authorized to examine bank officers and clerks under oath and is required to keep records of all his official acts.¹ He has general supervision over all the banks in the state and it is his duty, in case he considers a bank insolvent, to bring suit for the appointment of a receiver and for the liquidation of the bank.

Banks may be incorporated under this act either as commercial or as savings banks. The minimum capital required is \$10,000 in villages of less than 2000 population, \$20,000 in cities or villages having between 2000 and 3000 population, \$25,000 in cities of from 3000 to 5000 population, \$30,000 in cities of from 5000 to 10,000 population, \$50,000 in cities of from 10,000 to 25,000 population and \$100,000 in larger cities, if any such exist in the state. At least 50% of the capital must be paid in before the bank begins business and the remainder in monthly payments of 10% of the entire capital. Stockholders are individually liable to the creditors of the bank to the amount of the face value of their stock, which liability may be enforced by the bank, if in liquidation, or by its receiver, by an action at law or suit in equity.

It is made the duty of the Bank Commissioner to examine the condition of all prospective banks, and no bank can commence business until it has received a certificate from the Commissioner that it has complied with all the provisions of the law and is duly authorized to transact a banking business. Banks are not allowed to make loans upon the security of their own stock. They are

¹See also Governors Messages and Index of Legislation, 1679.

allowed to hold so much real estate as shall be necessary for the convenient transaction of their business and may include in the building other offices to rent as a source of income. The bank may invest in such a building 50% of its paid-up capital, surplus and undivided profits. No dividend may be declared on bank stock unless one tenth of the net profits of the bank for the dividend period has been carried to the surplus account until such surplus amounts to 20% of the capital stock. Receiving deposits with intent to cheat and defraud, or with the knowledge that the bank is insolvent, is made a felony on the part of the owners or officers of the bank, punishable by fine of \$1000 or imprisonment for two years, or both.

Loans may be made to any one person up to 50% of the aggregate capital, surplus and undivided profits, and even this very mild limitation does not apply to the discount of bills of exchange drawn in good faith or the discount of business paper actually owned by the person negotiating the same.

Checks can not be certified unless the drawer has enough money on deposit to make the check good, and violation of this provision is a felony. Banks which designate their business as savings banks may do a savings bank's business and also general banking business. They may invest their funds in United States bonds, in Idaho state and municipal bonds, and in the bonds of any other state or municipality which has not defaulted in interest on its funded debt for three years previous to the investment being made, and may also invest in mortgages and also in real estate and in commercial paper, and in collateral loans.

This act applies to individuals as well as corporations, but there is an exception for one year in favor of existing banks, whether individual or incorporated. Private banks are not permitted to make loans to any member of the banking firm and incorporated banks can not make loans to any officer or employee of the bank without the prior approval of the directors or discount committee. Banks are required to have on hand in available funds not less than 15% of their demand liabilities, but one half of such reserve may be kept in other banks. Existing banks are required to make a statement to the Bank Commissioner within six months of the time the act goes into effect, and to conform to the provisions of the act within one year from the taking effect of the act. Foreign banks doing business in the state are made subject to the provisions of the act. In case of insolvency of any bank the claims of depositors are made a first lien on all the assets (Id. '05 p.175).

The provisions of this act are, as a whole, salutary. The weak points undoubtedly are the large amount that a bank is allowed to put into its building and the large amount which it may lend to any one person.

The *North Dakota* statute proceeds along the same lines as the Idaho act, but it is in several respects more conservative. In place of a banking commissioner it creates a state banking board, consisting of the Governor, the Secretary of State and the Attorney General. The State Examiner is made Secretary of the board and is charged with the duty of examining every bank at least once a year, reporting his findings, together with any recommendations he may see fit to make, to the State Banking Board.

Any number of persons, not less than three, may organize a bank under this act, and all that is necessary to do is to execute and record with the Secretary of State and with the County Register of Deeds, a statement showing the name, the place of business, the amount of the capital stock and the number of shares into which it is divided, the names and residence of the shareholders and the period at which the bank shall commence and terminate business. The capital stock of banks is made proportional to the number of inhabitants in the place in which the bank does business. Where the population is 1000 or less the capital stock must be \$10,000, with a population exceeding 1000 and not exceeding 2000 the capital stock must be \$20,000, with a population exceeding 2000 and not exceeding 3000 the capital must be \$30,000, with a population exceeding 3000 and not exceeding 4000 a capital of \$35,000, with a population of over 4000 and not exceeding 5000 the capital must be \$40,000 and with a population of over 5000 the capital must be not less than \$50,000. At least 50% of the capital stock must be paid in before the bank is authorized to begin business, and the balance must be paid in monthly instalments of 10%. Shareholders are individually responsible for the debts of the bank to the extent of the face value of their stock, and such liability continues for one year after transfer of stock. Banks are not allowed to lend more than one half of their capital stock and surplus upon real estate securities and have no right in selling such securities to guarantee payment. They have power to own real estate necessary for the conduct of their business, not exceeding in value 25% of the capital stock if the capital stock is over \$10,000 and not exceeding 30% of the capital stock if the capital stock is \$10,000 or less. They can not make loans upon the security of the shares of their own stock and can not lend to any one person, corporation or firm more than 15% of the capital stock actually paid in.

No bank is allowed to declare a dividend without carrying one tenth of its own profits to its surplus fund until such fund amounts to 20% of the capital stock. Each director must own at least 10 shares of the capital stock of the bank. Banks are required to have on hand in available funds 20% of their total deposits, three fifths of which reserve, however, may consist of balances due from other banks or trust companies, but such banks or trust companies must be first approved by the State Banking Board.

The provisions of the act are made compulsory, and no person or corporation except a national bank is allowed to transact a banking business or use the word bank, banking company or banker in advertisements without organizing under said act and complying with its provisions. Banks are not allowed to employ their assets directly or indirectly in trade or commerce or to invest in the stock of any corporation or in speculations on margins in stocks, bonds, grain, provisions or other commodities except that they are allowed to make advances for grain or other products in store or in transit to market. Banks are made exempt from attachment and execution, but the penalty for failing to pay any valid judgment or decree not stayed by appeal is to have the bank declared insolvent by the State Banking Board and a receiver appointed to wind up its affairs. (N. D.'05 ch.165)

The *Texas* act is a comprehensive measure authorizing the creation of banks, trust companies, surety companies and fidelity and guaranty companies. It provides that five or more persons, a majority of whom must be residents of Texas, may incorporate by executing and filing with the Secretary of State articles of incorporation, setting out the name of the proposed corporation, the place in which it is to be located, the amount of its capital stock, together with a statement that the same has been actually paid in money, the names and residences of the shareholders and directors, and the number of years the corporation is to continue, not exceeding 50 years. Banks and corporations under this law are allowed to receive money on deposit and pay interest thereon, to buy and sell, exchange, lend money upon real estate and personal property and collateral and personal securities, to buy, sell and discount negotiable and nonnegotiable paper of all kinds. The amount that may be lent upon real estate security can not exceed 50% of the assets of the bank. Branch banks are not allowed. The amount of capital stock required varies according to the population of the place where the bank is located, with a minimum of \$10,000 where the banking town has less than 2500 inhabitants and a minimum

of \$100,000 in cities having 20,000 inhabitants or more. The directors of the bank shall be not less than 5 nor more than 25 in number, the majority of whom must be citizens of the state and each of whom must own at least 10 shares of the capital stock, except that in cases where the capital stock does not exceed \$10,000 directors are only required to own five shares. There are quite minute provisions in regard to the conduct of the meetings of the directors, who are required, among other things, to keep a written record of their approval or disapproval of each loan made. No director may borrow more than 10% of the capital and surplus of the bank without the consent of a majority of the other directors, which must appear of record before the loan is made. No officer of the bank, whether a director or not, can become indebted to the bank in any sum without the consent of the board of directors as shown by its records. Banks are required to have on hand in cash and money due from other banks 25% of the aggregate amount of their demand deposits, of which 10% must be actual cash in bank.

Trust companies may be incorporated under this act by five or more persons, the majority of whom are residents of Texas, by executing and recording articles of agreement similar to those for general banking, except that they shall also state the purpose for which the association is formed. Such trust companies are allowed to act as fiscal or transfer agent for any state, municipality or corporation, to receive deposits of trust money, to lend money on real or personal security, to lease, hold, purchase and convey real property necessary for their business, to act as trustee under a mortgage or bond issue, to accept and execute trusts from married women, and to act as guardian of the estate of any minor, and to accept and execute any trusts of any nature which may be committed to them by any person, corporation or other authority. They also have power to purchase, guarantee and sell stock, bills of exchange, bonds, mortgages and other securities, to act as executor, administrator, guardian or trustee, to guarantee the fidelity of persons or corporations holding places of private or public profit or trust, to guarantee or become surety in any bond given by any person or corporation, and to reinsure and guarantee any person or corporation against loss or damage by reason of any risk assumed by insuring the fidelity of any such person or corporation. The capital stock of a trust company shall be not less than \$50,000 nor more than \$10,000,000. The business shall be controlled by a board of not less than 5 nor more than 25 directors who shall be the stockholders and a majority of whom shall be bona fide citizens of the state.

Savings banks may be incorporated by any five or more persons, apparently regardless of where they live, by executing and filing with the Secretary of State articles of association similar to those required in the case of trust companies. The articles must also state that the entire capital stock has been paid in. The capital stock of any savings bank must be not less than \$10,000 in cities with a population of 50,000 inhabitants or less and not less than \$50,000 in cities of a larger size, but no savings bank can have more than \$5,000,000 capital. The entire capital stock must be subscribed and paid in when the articles of association are filed. Dividends can not exceed 10% a year. Savings banks are authorized to receive deposits and pay interest on the same, and to receive as bailee for safe-keeping and storage, jewelry, claims, money, stocks, bonds, securities and other valuables, and to rent out vaults, safes and other receptacles. Their assets may be invested in bonds of the United States or of the state of Texas or of any state which has not in five years before such investment is made defaulted in the payment of either principal or interest, also in municipal bonds, in first mortgage bonds of any railroad in the state, the interest of which is sufficient to pay all operating expenses and fixed charges, also in notes or bonds secured by first mortgage or deed of trust on real estate worth at least twice the amount of the loan, but such mortgage investments must not exceed 80% of the total assets of the savings bank. Such banks are required to keep at least 15% of the whole amount of their assets on hand or on deposit payable on demand in any bank in the state of Texas, or under the laws of the United States, approved by the Superintendent of Banking, and having a paid-up capital of \$50,000 or more. The board of directors of a savings bank must be not less than 5 nor more than 10 in number, who must be stockholders of the corporation, a majority of whom must be citizens of Texas. Savings banks may buy and own real property for the use of the bank not to exceed in value 20% of the capital of the bank. They can not lend money on personal securities or deal in notes or bills of exchange, but they may make loans for their depositors, secured by the savings bank pass book, not to exceed 50% of the amount on deposit. Directors are not allowed to receive payment for services as directors, and neither directors nor officers can borrow money for themselves or as agent or partner of others, nor can any director or officer be an endorser or surety for a loan made by the bank. A director who borrows directly or indirectly any funds of the bank, or becomes surety for money borrowed from it or who

fails to attend the regular meetings of the board for three successive months without having been excused by the board, ceases to be a director, but he is still eligible for reelection. Deposits in savings banks may be made under regulations prescribed by the board of directors, and any savings account may be closed at any time upon notice to the depositor and thereupon shall cease to draw interest. Deposits made in the name of females or minors shall be free from the control or lien of all persons except creditors and may be paid to the depositor, whose receipt shall be a sufficient release and discharge of the bank. If any deposit is made in trust for another and no other notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, then in case of the death of the trustee, the deposit may be paid to the person for whose benefit the deposit was made. Pass books shall be issued to depositors and no payment shall be made unless the pass book is presented and payment entered therein, except in case of good cause shown and assurance given, satisfactory to the officers of the bank. Pass books must be verified at least once in three years. Whenever interest at a rate of not less than 3% shall have been paid or credited on deposits out of the net profits of the current six months, the board of directors may, out of the remaining net earnings, declare and pay a dividend on the capital stock not exceeding the rate of 10% a year, but before declaring such dividends one tenth of the profits shall be carried to a guaranty fund until such fund equals the amount of the capital stock. When the guaranty fund equals the capital stock, then after paying interest on the deposits and dividends on the capital stock the directors shall reserve from the remaining net profits a sum not to exceed one quarter of 1% of the total deposits on such interest day, to be known as the indemnity fund, until such fund shall amount to 10% of the whole deposits. Once in every three years, if the net profits which have accumulated from the guaranty and indemnity funds amount to 1% of the deposits then remaining with the bank which have been on deposit for at least one year next preceding, such net profits shall be divided among the depositors whose deposits have been made during said year in proportion to the amount of interest which has been paid on their deposits during the preceding three years. Directors who act as officers may receive reasonable compensation for their services as officers.

The Commissioner of Agriculture, Insurance, Statistics and History is made superintendent and inspector of all banks incorporated under this statute under the title of Superintendent of

Banking. It shall be his duty at least once in each year, either personally or by an examiner, to visit and examine every bank, trust company and savings bank organized under the act. He has power to administer oaths to witnesses. Whenever he has reason to believe that the capital stock of any bank, trust company or savings bank is reduced below the amount required by law, he shall require the bank to make good the deficiency. Whenever it shall appear to him that a bank is doing business in an unsafe manner, he shall order a discontinuance of such practice. Whenever it appears to him that it is unsafe or inexpedient for a bank to continue to transact business, he shall report the same to the Attorney General, who shall thereupon institute such legal proceedings as the nature of the case may require. It is not lawful for any bank or trust company to make a voluntary general payment, and in case it finds it is in a failing condition it should place itself in the hands of the superintendent. The board of directors of any bank, trust company or savings bank whenever required by the superintendent, shall furnish him a sworn statement to be filed in his office showing the actual condition of the affairs of the bank upon the day designated, and such statement shall be published in one or more newspapers published in the town, city or county where the bank is located. Such statements shall be called for not less than twice during each year from each bank. No bank or trust company shall lend any individual or corporation, directly or indirectly, a sum exceeding 25% of its capital stock actually paid in. No corporation organized under the act shall employ its money directly or indirectly in trade or commerce by buying or selling ordinary merchandise or by owning and operating industrial plants, but it may sell all kinds of property which may come into its possession as security for loans or in the ordinary collection of debts. A corporation authorized to own or control a safety vault and to rent boxes therein may, if the rent of any box has not been paid for two years, send a registered notice to the renter that if the rent is not paid within 60 days the bank will cause the box to be opened and its contents removed, but the act does not, unless by implication, authorize the opening of such box. If default is made in the payment of any debt or liability contracted by any bank, trust company, surety company or savings bank, each stockholder, as long as he owns stock therein and for 12 months thereafter, shall be personally liable for the debts of the corporation to an amount equal to the par value of his shares. Executors, administrators, guardians, trustees and pledgees of

stock shall not be personally subject to any liability as stockholders. Corporations organized under the provision of this act which shall deposit with the State Treasurer \$50,000 of government, city, county, municipal or other bonds, or mortgage notes or bonds, or other securities approved by the superintendent, may qualify and act as guardian, curator, executor, administrator, assignee, receiver, trustee or depository of court money, or may become guarantor or surety on any bond required to be given by statute. Savings banks shall report each year on or before the first day of November to the Superintendent of Banking, showing the condition of the bank on the first day of September preceding. Such reports shall be verified by two principal officers of the bank and the statement of assets shall be verified by the oath of at least three of the board of directors who are required to examine the books, vouchers and assets of the bank. The penalty for failure to furnish such report is a fine of \$100 a day for every day the report is withheld. The superintendent shall examine every savings bank at least once in two years, and may do so whenever he deems it necessary or expedient. Any bank, trust company or savings bank organized under the general laws of the state whose capital is fully paid may, with the consent of a majority of the stockholders, accept the provisions of the act by filing with the Secretary of State a certificate of the acceptance, signed by its president and secretary. By doing this the corporation shall be deemed to have abandoned and waived all its charter rights and to derive all its powers from the act in question. After 90 days from the time the bill takes effect, it is unlawful for any corporation other than national banks and those organized under this act or accepting it, to use the terms bank, banker, banking, trust, trust company, savings bank or savings as part of its name or in connection with its business, except that corporations heretofore organized and authorized by their charters to use such names may continue to use the same by adding to them the words "without banking privileges." It is the duty of private individuals and firms engaging in the banking business to use under their business name the word "unincorporated." The penalty for any violation of either of these provisions is a fine of \$100 a day for every day that the offense continues. No other corporations except national banks are permitted to do a banking business in Texas. All rights conferred by the act are held subject to the right of legislation to amend, alter or reform the same. (Tex. '05 ex. sess. ch.10)

Supervision. Laws in regard to the supervision of banks and trust companies are in the direction of increasing the efficiency of such supervision. Thus an act has been passed in New York ('05 ch.418) requiring the directors of every bank and trust company to examine fully into its affairs in April and October of each year and make a sworn report of such examination to the board of directors and also to the Banking Department of the state. In California ('05 ch.430) an act has been passed requiring the president of every savings bank or other institution in which deposits of money are made to report to the Bank Commissioner in January of every odd numbered year the amount standing to the credit of every depositor who has not made a deposit or withdrawn any money for a period of 10 years next preceding. The bank must also publish such statement for four weeks. An exception is made in the case of deposits by persons whom the president of the bank knows to be living, and those that amount to less than \$50. A similar act has also been passed by Washington ('05 ch.129), the report in this case, however, being required to be made in December instead of January, and to be made by the cashier or secretary instead of the president. In Utah the existing law requiring banks to make reports to the Secretary of State four times a year has been amended ('05 ch.79) so as to require such report, in addition to the oath of the president or cashier, to be attested by at least three directors; and in North Carolina ('05 ch.539) it is now made the duty of the Bank Examiner to verify the reports made by the directors of banks. Michigan ('05 ch.88) has changed its law in regard to examination of banks so as to require such examinations to be made at least twice a year instead of once, as before, and New York ('05 ch.394) now requires examinations of banks and trust companies, other than savings banks, to be made at least twice a year instead of once a year, as formerly. A Montana statute ('05 ch.19) requires each bank to report to the State Examiner within 10 days after declaring a dividend, the amount of such dividend and the amount of the net earnings in excess of the dividend. The New York Legislature has extended the law in regard to reports of banks so as to include trust companies ('05 ch.297), and in Maine the Bank Examiner is now required to make the same reports in regard to trust companies as he formerly did in regard to savings banks ('05 ch.12). In order to make the examination of banks more effective, Wisconsin has authorized the Commissioner of Banking to employ an additional examiner ('05 ch.517) and Pennsylvania has authorized the Commissioner of Banking to appoint five additional examiners ('05 ch.13).

Private banks. The prevention of frauds on the public through the exercise of banking powers by unauthorized persons has engaged the attention of the Legislatures of several states, and laws have been enacted which, in various ways, tend to prevent the unauthorized exercise of banking powers. Thus Maine has made it an indictable offense for any person or corporation hereafter organized, except those authorized under the laws of the state or the United States, to conduct a banking or trust company business, to use as a part of their name or title, or as designating their business, the words "bank," "savings," "savings bank," "savings department," "trust," "trust company," "banking," or "trust and banking company" (Me. '05 ch.171). A Connecticut statute ('05 ch.209) provides that no person or corporation, except banks, trust companies or building and loan associations incorporated by the state or by the United States, shall advertise or use a sign having thereon any word or words indicating that such person or corporation is a bank, trust company, savings bank or building and loan association, under penalty of a fine of \$1000. There is, however, an exception to this act in favor of firms or individuals doing business as private banks or brokers under their own name. The California statute forbids the use of the word "trust" in connection with any word signifying corporation to all persons and corporations other than those organized under the trust company act (Cal. '05 ch.259). The West Virginia statute makes it unlawful for any private individual or firm to use the word "bank" or "trust company" in connection with their business until they become incorporated under the banking laws of the state (W. Va. '05 ch.45). A recent Indiana statute allows private individuals to use the word "bank" in connection with their business if they have property of the cash value of at least \$10,000 set apart for the security of the creditors of the bank and provided they file with the Auditor of State a statement in regard to their bank, showing the name of the bank, the articles of copartnership, the amount of capital, the names of the officers and agents in charge of the bank, with a statement that the responsibility of the individual members of the firm is at least double the amount of capital paid in (Ind. '05 ch.109). The Wyoming statute allowing corporations to be formed for the purpose of dealing in real estate and furnishing abstracts of title expressly provides that no such corporations shall receive deposits or do any banking business ('05 ch.60). Provisions of the laws of Idaho, North Dakota and Texas in regard to private banking have been already set forth in the abstract of their recent general banking laws.

Trust companies. South Dakota has passed an act for the organization and government of trust companies. It provides that five or more persons, one third of whom must be residents of the state, may organize a trust company by filing articles of incorporation with the county register of deeds and also with the Secretary of State. Such companies have power to act as assignee, trustee, guardian, receiver, conservator, mortgage trustee, and, in general, to accept and execute any and all lawful trusts. They also have power to deal in stocks, bills of exchange, bonds and mortgages, to lend money and to deal in real estate (with the condition that not more than half of the capital stock paid in shall be invested in real estate) and also to receive money on deposit subject to check. Each trust company must have at least five directors, a majority of whom must reside in the state, and each director must own at least five shares of the capital stock. The smallest amount of capital allowed is \$25,000 in towns containing 10,000 inhabitants or under, while in cities containing over 25,000 inhabitants the minimum capital is \$100,000. Stockholders are individually liable for the debts of the institution in an amount equal to twice the par value of the capital stock held by them. Before the directors of any trust company can declare any dividend, they must pass 10% of the net profits on hand to a surplus fund until such fund amounts to 30% of the capital stock. Before accepting any trust, a trust company must execute a bond in a penal sum equal to the amount of the capital stock, conditioned to secure creditors against loss under all trusts undertaken by it to be signed by at least three sureties and approved by and filed with the Secretary of State. Such bond, however, may be signed by a surety company instead of individual sureties. This provision takes the place of the ordinary provision requiring such companies to deposit securities with some state auditor, and would not seem to be as efficient. Trust companies are forbidden to make loans on the security of their own stock and can not lend to any one person, firm or corporation more than 15% of their combined capital stock and surplus. This restriction, however, does not apply to first mortgage loans on real estate worth twice the mortgage indebtedness. Trust companies are required to keep trust funds and property separate from other funds or property in their hands and are entitled to compensation not exceeding that allowed to any person for similar services. They are required to have on hand in cash or on deposit in solvent banks an amount equal to 10% of their time deposits and 25% of their demand

deposits. The State Public Examiner is given charge of all corporations organized under the act and they are required to report to him not less than four times each year. He is also required to examine such institutions at least once each year. Corporations previously organized with power to accept trusts are allowed to avail themselves of the privileges given by the act by complying with its requirements and amending their articles of incorporation so as to conform thereto. (S. D. '05 ch.74)

Investment companies. The Legislature of Minnesota has passed an act authorizing the formation of corporations to deal in farm mortgages and issue debentures secured thereby. Such corporations are required to have a paid-up capital of at least \$100,000 and are placed under the charge of the Public Examiner in much the same way as banks. They are only allowed to take mortgages which are first liens upon land in actual use for farming purposes. Each farm must be worth at least twice the amount of the mortgage on it and a major portion of the land must be tillable. Such corporations are not allowed to incur debt except upon their debentures and for the ordinary expenses of business. They can not make loans to any officer, director, stockholder or employee. The debentures may be issued in series of not less than \$10,000 each and as security for the total amount of any given series of debentures there must be set apart mortgages aggregating 10% more than the total amount of the debentures. They are required to record in the office of the register of deeds in each county in which the mortgage is recorded, an instrument of transfer which has the effect to assign such mortgage to the corporation as trustee for the benefit of the holders of such debentures. The debentures are declared to be lawful investments for trust companies and insurance companies. (Minn. '05 ch.93)

A California statute allows the creation of investment companies for the purpose of selling bonds or debentures on the instalment plan. Such companies are required to deposit with the State Treasurer \$5000 in cash or in securities to be approved by him. They are required to set aside at least 40% of every partial payment as a reserved fund, to be invested by the Board of Directors for the benefit of the debenture holders. (Cal. '05 ch.163)

A Montana law authorizes the incorporation of endowment and investment companies with a capital stock of not less than \$100,000 and not more than \$5,000,000. Such corporations are authorized to invest their assets in good securities and keep them so invested. The purposes for which such companies are organized are to receive

money in trust and accumulate the same and sell their contracts or certificates of indebtedness, also to buy and sell bonds, stocks and commercial paper, and to receive and hold money on deposit. They are required to file an annual statement with the Auditor of State on or before the first day of March in each year. (Mon. '05 ch.100)

Wisconsin has passed a law forbidding the carrying on of investment companies except where the company has complied with all the provisions of law required of foreign building and loan associations. (Wis. '05 ch.219)

Regulation. Various minor provisions in regard to the regulation of the banking business have been enacted by the Legislatures of different states. Thus one New York statute makes it a misdemeanor for any officer, director or clerk of any bank or trust company to receive any commissions or gratuity for procuring for any person a loan from such bank or for permitting him to overdraw his account (N. Y. '05 ch.248). Another New York statute provides that the total liability of any person, corporation or firm to a bank shall not exceed 40% of the actual paid-in capital and surplus of such bank. The same act also provides that loans or discounts to any one person, corporation or firm exceeding one tenth of the capital and surplus of the bank must be secured by collateral security worth at least 15% more than the amount of the loan (N. Y. '05 ch.456). An amendment to the banking law of Georgia provides that a loan to an officer of a bank exceeding 10% of the capital stock of the bank shall not be made unless approved in writing by a majority of the directors (Ga. '05 p.74). Another Georgia act creates liens against banks in favor of persons who hold the bank's receipt for paper sent to the bank for collection (Ga. '05 p.100). A Tennessee statute makes it a felony for the president, cashier or other person having control of a bank to receive deposits when he knows or has good reason to believe the bank insolvent, if the deposit is lost through the insolvency of the bank (Tenn. '05 ch.19). Apparently this law would only apply in case the loss was a total one, and this would seem to be a very serious weakness in the law. A statute of South Dakota relieves banks from liability on payment of any forged or raised check, unless the depositor notifies the bank of such forgery within three months after his receipt of the check (S. D. '05 ch.56).

Foreign banks. Some of the Western States have enacted laws in regard to foreign banks. Thus it is provided in Washington ('05 ch.31) that foreign banks may keep an office in the state for

the purpose of lending money and buying and selling exchange, but can not receive deposits. The act, however, does not apply to foreign banks which were engaged in doing a banking business in the state on January 1, 1905. The act also requires foreign banks to maintain at their Washington office a capital not less than that required by the National Banking Act for the organization of a national bank at the place where such foreign bank has an office. Such banks are forbidden to advertise on their stationery or otherwise any larger capital, surplus and undivided profits than the amount actually maintained within the state. A penalty of \$1000 fine is imposed for any violation of the act. The act includes not only banks organized under the laws of another state but also any corporation or association of which the members owning a majority interest are nonresidents, and also nonresident private bankers. A Montana statute ('05 ch.104) forbids all foreign corporations and joint stock banks, other than national banks, to do any banking business in the state, except as provided in the act. Such foreign banks are authorized to establish branch banks within the state on condition that they put into the treasury of such branch bank a sum equal to the capital stock required for a national bank at the same place and obtain a certificate from the State Auditor that they have done so. Such certificate must be obtained yearly. A branch bank doing business under the act is required to have on hand in money at least 10% of its deposits, and it is provided that whenever such reserve is less than 20% of the deposits, it can make no new loans or discounts except the purchase of bills of exchange payable at sight. Such banks are required to make reports to the State Examiner when called for at least five times a year. They are not allowed to lend any person, corporation or firm more than one tenth of the capital stock actually paid in and in use in such branch bank. The State Examiner is required at least once a year to make an examination of all such branch banks. They are not allowed to make use of any stationery which states that they have a greater amount of capital than the actual capital of the branch bank, or to set forth any such claim in any other way. The capital of such branch banks is not to be liable for the redemption of any circulating notes or bills of the bank, except those arising out of the business of the branch.

Savings banks. A Connecticut act ('05 ch.156) allows savings banks located in any one town to consolidate into a single bank by agreement of their respective trustees. Any person injured thereby may file a written protest with the Bank Commissioners, who are

given power to pass thereon and to determine whether the consolidation shall take place. The consolidation takes effect when the agreement bearing the approval of the Bank Commissioners is filed in the office of the Secretary of State. A New Hampshire statute allows a savings bank, when a deposit book is alleged to be lost or destroyed, to require the depositor to advertise such loss or destruction for three weeks, and then if no other person makes claim to the book within three months after the last publication, the bank may issue a duplicate book to the depositor and shall not be liable thereafter on account of the original book (N. H. '05 ch. 45). A statute almost identically the same has been passed by Vermont ('04 ch. 100).

Building and loan associations. A general law for the incorporation and regulation of building and loan associations has been passed in North Carolina ('05 ch. 435). It allows the organization of such associations and puts them in charge of the Insurance Commissioner. The act contains full provisions in regard to the powers of such associations, the rights of their members and the regulation of the associations by the Insurance Commissioner. It also provides for the regulation of foreign associations and their supervision by the Insurance Commissioner. An act of California creates a "Bureau of Building and Loan Supervision" with powers of supervision, examination and license of all building and loan associations ('05 ch. 504), and a New Jersey act provides that the Court of Chancery shall have full jurisdiction of all matters arising out of the liquidation of building and loan associations (N. J. '05 ch. 142). An Oklahoma statute ('05 ch. 10 art. 5) provides that all foreign building and loan associations transacting business in the territory must first secure a certificate of authority from the Bank Examiner and deposit with him a bond in the sum of \$10,000, together with a certified copy of its charter. The Bank Examiner is vested with visitorial powers over such associations, and a penalty of \$5000 is imposed upon associations doing business without conforming to the provisions of the act. The North Dakota law in regard to building and loan associations has been amended so as to require such associations to be examined by the State Examiner twice each year, instead of annually as before (N. D. '05 ch. 59). On the other hand, Wisconsin now requires such examinations to be made only once in two years instead of annually (Wis. '05 ch. 358). A California statute allows stockholders to withdraw from such associations on giving 30 days' notice, and requires such with-

drawals to be paid in succession in the order in which the notices are given (Cal. '05 ch.565). A New York statute allows building and loan associations to issue juvenile savings shares, the maturity value not exceeding \$50, to minors, who can hold the same free from the control of other persons (N. Y. '05 ch.604). A South Dakota statute allows building and loan associations that have over \$50,000 of assets to issue guaranty or permanent stock for which the full par value shall be paid at the time of issue or in such instalments as may be provided by the bylaws ('05 ch.62). A Nevada statute requires all foreign building and loan associations to pay an annual license of \$100 and gives the Insurance Commissioner power to examine into their business (Nev. '05 ch.73). A New Jersey act allows building and loan associations to invest not more than 5% of their assets in land and buildings for the purpose of providing offices for the use of the association (N. J. '05 ch.221).

Pawnbrokers. California has adopted an act ('05 ch.550) for the incorporation of companies for the purpose of lending money on personal property, which corporations must have capital stock of \$50,000 or more actually paid in, and must obtain a license from the Board of Bank Commissioners. They are forbidden, however, to engage in the banking business. They are required to give a bond equal to one twentieth of their capital stock conditioned for the faithful performance of the duties and obligations of their business. They can not make loans in excess of \$300 to any one person, and they are allowed to charge $1\frac{1}{2}\%$ a month interest. They may also make a charge of $\frac{1}{2}\%$ a month for storage and insurance. In case of loss by fire or theft they are not liable except for the amount of the loan and 25% thereof in addition. The act contains provisions in regard to the sale of property pledged to such corporations; and they are not allowed to pay dividends in excess of 6% a year on the capital stock. A Delaware act requires pawnbrokers to obtain a certificate of authority from the clerk of the peace of New Castle county, and allows persons holding such certificates to make loans on personal property not exceeding \$100 and to charge as interest, in addition to the legal rate, an additional 5% a year (Del. '05 ch.149). A Connecticut statute ('05 ch.235) requires all pawnbrokers to be licensed by the selectmen of a town or the chief of police of a city, and requires such pawnbrokers to keep a record of all pledges and loans, which record shall be subject to examination at all times by the town authorities. Pawnbrokers

are allowed to charge at the rate of 5% a month for loans of \$15 or under, 3% a month for loans between \$15 and \$50, and 2% a month for loans exceeding \$50. In this connection we might refer to the act of Tennessee which requires all persons making loans on security of wages or salaries to file a bond and obtain a license before carrying on the business, and forbids their charging more than 6% a year (Tenn. '05 ch.109).

INSURANCE¹

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Few branches of industry are characterized by such a multitude of new state laws and amendments to existing laws as the insurance business. The year 1905 offers no exception in this respect, since the Legislatures of the various states have enacted during the year no less than 169 acts covering a great variety of subjects and distributed as follows: Wisconsin 30; California 12; Michigan 11; Nebraska and New York 9 each; Vermont, Minnesota and South Dakota 8 each; Connecticut 7; Maine and Illinois 6; Delaware 5; Kansas, North Carolina, Tennessee, Georgia, Indiana and North Dakota 4 each; Idaho, Minnesota, Massachusetts, Washington and Texas 3 each; Florida, Montana and Utah 3 each; New Mexico, West Virginia and Pennsylvania 2 each; New Hampshire and New Jersey 1 each.

To consider all these acts in detail would be next to impossible in a paper of this kind, and an attempt will therefore be made to trace only the most important legislation. The less important laws will be grouped under proper subheads and references will be cited to enable the reader to obtain further information. It may be stated at the outset that the legislation of 1905 is not exceptional in any important respect, and that it contains little that is of real wide-reaching importance as regards the organization and conduct of the insurance business.

State insurance departments: organization and supervision of insurance companies. In one state and one territory² the governors recommended the creation of the office of insurance commissioner, but in only one case, namely New Mexico, did the recommendation result in the passage of a law. The act ('05 ch.5) entitled "an

¹See also Governors Messages and Index of Legislation, 1732.

²West Virginia (White, March 4, 1905, p.5); West Virginia (Dawson, March 4, 1905, p.5); and New Mexico (Otero, January 16, 1905, p.18).

act to establish an insurance department in the Territory of New Mexico and to regulate insurance companies doing business therein" creates an insurance commissioner, appointed by the Governor, and holding office for two years. Whenever he deems it advisable this commissioner may visit and examine any insurance company applying for admission or already admitted to do business by agencies in the territory. He may compel the production of records, and may summon witnesses and administer oaths, and examine the directors, officers, agents and trustees of any company in the territory. No company may do business in the territory without his permission, and he may revoke its license if in his opinion the company is in an unsound condition financially. The law also outlines in detail the financial statement which companies must submit annually, and fixes a tax of 2% on the gross amount of premiums received or written in the territory during the year, together with numerous fees for filing articles of incorporation, annual statements and the like.

Among the other laws pertaining to state insurance departments may be mentioned the law of Minnesota ('05 ch.229) providing for the continuation of the Department of Insurance and regulating the compensation and fees of the Commissioner; the law of Pennsylvania ('05 ch.241) fixing the salary of the Deputy Commissioner; the law of Wisconsin (amdg. S.'98 §1967) requiring the Insurance Commissioner to give a bond of \$100,000 with six sureties or a surety company; and the law of Vermont ('04 ch.101) defining the duties of the Insurance Commissioners.

Three states, California ('05 ch.349, 353), Minnesota ('05 ch.235) and South Dakota ('05 ch.125), passed laws for the organization and regulation of insurance companies, the California statutes covering assessment associations granting life, health or accident insurance, and the Minnesota and South Dakota statutes applying to life insurance companies on the fixed premium plan. In a number of other states, Wisconsin ('05 ch.451), Minnesota ('05 ch.248), Nebraska ('05 ch.36) and South Dakota ('05 ch.130), laws were enacted to enable the public to know more readily the financial condition of insurance companies. In all these states the companies are required to send to the Insurance Department an annual financial statement the summary of which, or the approval of which by the Insurance Commissioner, must be published in some official or other paper which in the commissioner's judgment will reach the greatest number of readers.

Taxes and fees. The laws enacted during the year relating to taxes and fees paid by insurance companies or their agents have been exceedingly numerous. But most of the legislation consisted, in the main, of amendments to existing laws, and are not sufficiently important to call for an extended notice.¹ Mention should be made, however, of the dissatisfaction with the fee and tax systems prevailing in several states, as expressed in the governors' messages. Governor Johnson of Minnesota ('05 Jan. 4, p.21) doubts the propriety of the law permitting the Insurance Commissioner to collect the fees, and suggests that the work of valuing policies should be performed by the Commissioner, and that the fees received for this work should properly go to the state rather than to the individual. Governor Herreid of South Dakota ('05 Jan. 3, p.31) recommends the abolition of the existing fee system for the examination of insurance companies, since, in his opinion, "nothing but the honesty of the Commissioner now prevents such examination of 119 companies once or twice a year, by which the office could be made to yield a revenue of at least \$10,000 a year. The actual expense of public officials (as well as salaries) should be paid out of the state's treasury, and all proper charges for bona fide examinations should be paid to the State Treasurer." In Wisconsin, Governor La Follette ('05 Jan. 12, p.17-20) expresses dissatisfaction with the existing law, which taxes domestic life insurance companies 3% on the gross premiums collected in the state, while charging foreign companies a license fee of \$300. It is declared to be very unjust that the domestic companies, which carry only 35% of the total outstanding insurance, as contrasted with 65% for foreign life insurance companies, should, nevertheless, contribute 84% of the total life insurance taxes paid to the state.

Investment of insurance funds. Although eight laws² were passed during 1905 relating to the investment of the funds of insurance companies, these laws are in most instances only amendments to existing laws, or, if new laws, do not differ in any striking degree from the laws on this subject as found in numerous other states of the Union. Generally speaking the laws limit insurance companies in the investment of their funds to bonds of the United States;

¹The principal acts relating to the taxation of insurance companies and the payment of fees are: Wisconsin ('05 ch.510); Delaware ('05 ch.75); Wisconsin ('05 ch.90); Minnesota ('05 ch.229 §6); Connecticut ('05 ch.7); North Carolina ('05 ch.424); New Hampshire ('05 ch.29); Vermont ('04 ch.102); Texas ('05 ch.80).

²California ('05 ch.27, 39); Indiana ('05 ch.108, 128); Michigan ('05 ch.155); North Dakota ('05 ch.122); Idaho ('05 p.255 §6); Wisconsin ('05 ch.263).

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bonds of any state of the United States, county or province in which the company is transacting business, if at or above par; bonds and mortgages on real estate in any state or county in which the company is doing business, worth at least double (or some other percentage in certain states) the amount loaned thereon; bonds or other evidence of indebtedness, bearing interest, of any county, city, town or school district within any state in which the company does business, where such bonds or evidences of indebtedness are lawfully issued and upon which interest has never defaulted; or bonds, stocks or other evidences of indebtedness of any solvent dividend-paying institution. Certain exceptions to the above enumeration of investments exist, however, such as the statute of California ('05 ch.39) which provides that insurance companies may loan money upon merchandise or cereals in warehouses not to exceed 75 % of the value of the security.

Distribution of the surplus. A California act ('05 ch.421) prohibits any life insurance company from declaring any dividend except from profits which remain after having on hand unimpaired the entire capital stock of the company, a sum sufficient to meet all losses reported or in course of settlement, and all liabilities for expenses and taxes, as well as a reinsurance reserve computed upon the basis of the American experience table of mortality and interest at the rate of $4\frac{1}{2}\%$.

In Wisconsin the Legislature passed a law in 1871 according to which "Every life insurance corporation doing business in this state, upon the principle of mutual insurance, or the members of which are entitled to a share in the surplus funds thereof, may make distribution of such surplus annually or once in two, three, four or five years, as the directors thereof may determine. In determining the amount of the surplus to be distributed there shall be reserved an amount not less than the aggregate net value of all outstanding policies, said value to be computed by the American experience table of mortality, with interest not exceeding $4\frac{1}{2}\%$ " (S. '98 §1952). The language of this act, however, was held by the Supreme Court of the state to be permissive only. Consequently the Legislature provided that ('05 ch.448) "nothing in this section shall be construed to hereafter permit any such corporation to defer the distribution, apportionment or accounting of surplus to policyholders for a longer period than five years; and on all policies, hereafter outstanding, under the conditions of which the actual distribution is provided for at a definite or fixed period, the apportioned surplus shall be carried as a liability to the class of policies on which the same was accumulated."

Discrimination in life insurance rates. With reference to discrimination in rates by life insurance companies, two states, Idaho ('05 p.255 §19) and Washington ('05 ch.178) have seen fit to enact statutes. Both states provide against discrimination by life insurance companies in favor of individuals of the same occupation and expectation of life, either in the premium charged or in the return premium, dividends or otherwise. Rebating is strictly prohibited on the part of the agent or the insured. Any violation of this statute is deemed a misdemeanor, punishable by a fine of not more than \$300 (\$500 in Michigan) or imprisonment not exceeding six months; and any corporation issuing policies in violation of this law shall forfeit its right to transact business in the state.

Fraternal beneficiary societies. In probably no branch of underwriting is there at present such a lack of uniformity and such incompleteness in state legislation as in fraternal insurance. At a recent date, in nearly one half of the states of the Union little or no legislation governing fraternal societies existed, and in very few states indeed may the statutes affecting this branch of insurance be regarded as even reasonably complete. In view of this state of affairs, and in view of the work which has been done in recent years by the National Fraternal Congress, one might reasonably have expected the enactment of important legislation. In this respect, however, the year 1905 is disappointing, since few laws of importance were passed.

Of the numerous acts affecting fraternal societies which were passed during the year, four¹ deserve mention as providing for the organization and supervision of such societies along lines usually found in the laws of other states. The law of Tennessee ('05 ch. 480) deserves special mention in that it prohibits any fraternal beneficiary association from doing business in the state, "which associates with or seeks to associate with, as members of the same lodge, order, fraternity, society or association, the white and colored races with the objects and purposes provided in this act." The law is also important in providing that no association shall be given a license which collects assessments or payments from its members which are lower than those required by the Fraternal Congress Mortality Table of 1900, with interest at 4% a year. It is provided, however, that this section is not to apply to fraternal beneficiary associations organized prior to January 1, 1885.

¹Illinois ('05 p.291); Maine ('05 ch.28); Michigan ('05 ch.3); Tennessee ('05 ch.480).

According to the above laws, it seems to be the tendency to bring fraternal societies under the direct supervision of the Insurance Commissioner, and to enable him to investigate the financial standing of any association, and to revoke its license whenever he is satisfied that it has exceeded its powers, or has failed to comply with the law, or is conducting a fraudulent business. The great weakness of fraternal insurance in the past has been the insufficiency of the rates charged the policy holders; and while much is being done by the fraternal societies themselves to better their condition, it is gratifying to see that at least some of the states are passing laws to improve the supervision of such societies and to place their rates upon a more stable basis. In harmony with this tendency Governor Van Sant of Minnesota ('05 Jan. 4, p.20) recommended the passage of laws making fraternal societies absolutely safe by requiring the accumulation of a reasonable reserve. Governor Toole of Montana likewise recommended the placing of all fraternal insurance societies doing business in the state under state supervision. In this connection it remains to be noted that Michigan ('05 ch.34) passed an act requiring such associations to maintain a reserve or emergency fund of at least \$2000 to be deposited with the State Treasurer. But wherever the assessments or premiums received into the home office of the society exceed \$25,000 and do not exceed \$50,000, this emergency fund shall be increased to \$3000, while in case the payments to the society in the form of assessments or premiums exceed \$50,000 the fund shall be increased to \$5000.

Accident and sickness insurance. Under this heading two statutes should be mentioned as the most important for 1905, viz, those of Texas ('05 ch.125) and Florida ('05 ch.88). The statute of Texas makes it obligatory upon all assessment societies to place upon all certificates in red letters the following words: "The payment of the benefit herein provided for is conditioned upon its being collected by this company from assessments or other sources, as provided by the bylaws." Permission is also granted to such societies to create a reserve fund for the payment of death losses; and provision is made that "at least 60% of all amounts realized from assessments shall be used only for the payment of losses as they occur, or the balance thereof remaining after paying such losses transferred to such reserve fund; provided, however, that no part of such reserve fund shall be invested except by order of the board of directors in property or securities approved by such board."

Florida provides in its statute for the organization and supervision of health insurance companies. Sick and funeral benefits are defined, the policy is limited to \$100, and the company must have a capital of \$10,000. A certificate of authority must be obtained from the State Treasurer in order to begin business; and before commencing business and each year thereafter the company must submit a statement of its financial condition setting forth the amount of its capital stock, an itemized account of its assets and liabilities, a full statement of its adjusted and unadjusted losses, as well as a statement of its total receipts and the greatest amount held in any one risk.

Fire insurance. As regards the fire insurance business legislation has been confined almost altogether to the enactment of a standard form of policy, the computation of the reinsurance reserve and the surplus, the limitation of the risk assumed, and the attachment of the application to the policy.

In two states, Michigan and South Dakota, the existing standard policy was declared null and void by the Supreme Court, thus necessitating the adoption of a new policy form. In Michigan an act of 1881 (ch.149) empowered a commission, created for that purpose, to draft a standard form of policy to be used in the state to the exclusion of all other policies, and also made this commission a body having continuous existence with power to alter and amend the policy form whenever it deemed it necessary. This act the Supreme Court (*King v. Concordia Fire Insurance Co.* 103 N. W. 616) declared unconstitutional, holding that the power conferred on the commission was legislative, while according to article 4, section 1 of the state Constitution, the Legislature has no power to delegate its authority, since all legislative power is vested in the Senate and House of Representatives. In pursuance of this decision the Legislature of Michigan ('05 ch.277) provided for the repeal of the old act and the adoption and use of a new standard form of fire insurance policy, corresponding to the so called New York Standard Policy, now in use in most states of the Union.

In South Dakota the existing standard policy was also declared illegal for a reason similar to that in Michigan. The Revised Civil Code, § 664, provided that the State Insurance Commissioner should keep on file in his office printed forms, in blank, of a standard contract of fire insurance as nearly like the New York Standard Policy as possible. This act the Supreme Court (*Phoenix Insurance Co. of Brooklyn N. Y., et al, v. Perkins, Commissioner of Insurance*, 101 N. W. 1110) declared repugnant to article 3, section

17 of the state Constitution because it delegated to the Commissioner of Insurance power to prescribe the form of policy to be used, while the Constitution requires every bill to be read three times so that the lawmakers may become acquainted with proposed legislation. To meet the objections of this decision, South Dakota passed an act ('05 ch.126) prescribing a standard form of fire insurance policy as the only one to be used in the state, subject, however, to the addition of certain specified clauses. This policy, though containing the essential features of the New York standard form, is nevertheless, it should be noted, quite different in wording and arrangement.

Among the other laws affecting the fire insurance business the following should be mentioned as the most important:

1 Those referring to the computation of the reserve. In Connecticut ('05 ch.9), following the practice of most states of the Union, the amount required to reinsure all fire risks in force is computed at 50% of the gross amount of fire premiums on policies running one year or less from the date of the policy, and a pro rata amount of all premiums on policies running more than one year. In New York ('05 ch.566) provision was made that every individual or partnership or association of individuals known as Lloyds should maintain a reserve computed in a manner quite similar to that employed in other states. California ('05 ch.327) enacted a law providing for the dissolution of companies under certain conditions. Whenever the liabilities of any insurer "for losses, expenses, taxes and reinsurance, estimated at 50% of the premiums received and receivable, would so far impair the capital stock paid in as to reduce the same below \$200,000 or below 75 % of said capital stock paid in, such insurer is insolvent."

2 The law of New York ('05 ch.251) estimating the surplus profit of a fire insurance corporation to be used for declaring a dividend on its capital stock. Before declaring such dividend "there shall be reserved from the profits a sum equal to the amount of all unearned premiums on unexpired risks and policies, and all sums due the corporation on bonds and mortgages, bonds, stock and book accounts, of which no part of the principal or interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection." No corporation, however, can declare a dividend exceeding 10% on its capital stock in any one year, subject to a forfeiture of the charter and punishment of the recipient of the dividend, unless, in addition to the amount of its capital stock, the dividend, all outstanding liabilities and the amount

of all unearned premiums on unexpired risks and policies as aforesaid, it shall have surplus profits equaling 30% of its unearned premiums.

3 The law of Wisconsin ('05 ch.51) providing that all fire insurance corporations, except mutual corporations, shall, on issuing or renewing policies, attach thereto or indorse thereon any application made a part of the policy or affecting its validity. While omission to do this will not invalidate the policy, it will preclude the company from pleading or proving misrepresentation in the application as an excuse for nonpayment of the claim.

4 The law of Florida ('05 ch. 87) providing that in case of total loss or destruction of personal property where the appraised or agreed loss is less than the total amount insured, the company shall return the unearned premium for the excess insurance over the loss.

5 The laws of California ('05 ch.420) and Texas ('05 ch.80) restricting fire and marine insurance companies from taking any one risk exceeding 10% of the capital stock without at once reinsuring the excess above one tenth in some solvent company.

6 The law of California ('05 ch.458) which provides that where a mortgagor of property effects insurance in his own name but makes it payable to the mortgagee, any act of his which would otherwise avoid the insurance will continue to have the same effect under this act although the property is in the possession of the mortgagee. Provision is made, however, that "any act which under the contract of insurance is to be performed by the mortgagor, may be performed by the mortgagee, with the same effect as if it had been performed by the mortgagor."

Turning to the recommendations in the governors' messages in the various states for 1905 we find that they have reference almost entirely to unjust rates and to alleged combinations of insurance companies. Governor Hoch of Kansas calls attention to the alleged evasion of the laws of 1889 and 1901 passed for the purpose of preventing combinations in the insurance business, and states that the old rates have been restored under some other name. In Arkansas Governor Davis asserts his belief that every old-line company is "in a trust and would be stamped out of existence if the King anti-trust bill were to pass," and which he "sincerely trusts will pass, unless they should quit their relations." Likewise in Tennessee Governor Frazier, and in Minnesota Governor Van Sant deprecate the high rates, declaring them to be higher than in other states; while the Governor of South Dakota praises the "anti-compact" and "valued policy" laws of the state (although

regarded by underwriters as injurious to the insurance business and to the public) as bringing about greater care on the part of the insurance companies in the selection of risks, as well as the elimination of overvaluation of buildings and the diminution of criminal intent in securing insurance.

County and township companies. In North Dakota ('05 ch.121) not less than 50 persons residing in not more than 10 adjoining counties of the state and collectively owning property of not less than \$100,000 in value, which it is desired to insure, may organize county mutual insurance companies insuring against loss or damage by fire, lightning, hail or cyclone. Provision is made, however, that such companies may be organized by 25 persons residing in any one county and owning property of not less than \$25,000. Illinois ('05 p.304) 'provides that a township insurance company having less than 25 political townships in its organization may receive into its organization other adjoining congressional or political townships, not, however, to exceed a total of 25 townships in all. Minnesota ('05 ch.312) likewise permits the consolidation of two or more township fire insurance companies of the same county. South Dakota ('05 ch.129 § 1) and Minnesota ('05 ch.284) have enacted statutes regulating the election and term of office of directors and officers of such companies; while Michigan ('05 ch.154) confers upon fire and marine insurance companies authority to insure property against loss or damage by lightning, wind and water.

Liability insurance. Although only a comparatively recent production, few forms of insurance have shown such remarkable growth in recent years as employers liability insurance. The necessity for this form of insurance has for its basis the liability imposed upon employers by the law of negligence. And as every year sees the burdens upon employers increased through the extension of this branch of our law, the natural conclusion is that the scope of liability insurance will be extended from one industry to another until it shall have grown to such proportions as to place it on a par with the other great lines of insurance as an essential factor in the business world. Beginning in this country as late as 1886 it has expanded until in 1904 the volume of premiums collected aggregated approximately \$14,700,000. In view of this rapid growth, as well as its recent introduction in the United States, it is only natural that the several states should find it essential to enact legislation with reference to the subject. The year 1905 is important in this respect because of the enactment of five laws, viz, those of California ('05 ch.327), Connecticut ('05 ch. 272), Illinois ('05 p.288, 293) and Michigan ('05 ch.137).

The first of these acts provides for the organization and management of mutual insurance corporations furnishing indemnity against loss to members in consequence of accidents or casualties to any employee or person, occurring in or connected with the business of the members. Among numerous other provisions pertaining to the organization of such societies the law stipulates that such companies may be formed by 20 persons, a majority of whom are citizens of Illinois, and that before beginning business there must be at least 25 applicants for an amount of insurance based upon a pay roll of not less than an annual aggregate of \$2,500,000 and a total premium of not less than \$15,000, of which 25% shall be in the hands of the company. The law also provides that "no person shall be insured by any company who is not engaged in the same class of business as the incorporators of any such company, and any contract of insurance made with any persons not so engaged in the same class of business as the incorporators of the company shall be void."

The remaining four laws all relate to the computation of the reserve for liability insurance companies. In all cases the company is to maintain a reserve on all policies in force, above liabilities, equal to the unearned portion of the gross premium charged for covering the risks. But in the case of California, Illinois and Connecticut there shall also be charged a further reserve. For the purpose of ascertaining this reserve, each person who has been engaged in liability underwriting for a certain number of years (10 years in California and Illinois, and 5 years in Connecticut) "shall, on or before a certain specified date, state to the Insurance Commissioner his experience under all forms of liability, each separately according to the calendar years in which the policies were written, during a period of 5 years commencing 10 years previous to the 31st day of December." This statement is to contain (1) the number of persons reported injured under all forms of liability policies; (2) the amount of all payments made on account or in consequence of injuries reported under such policies; and (3) the number and amount, separately, of all suits or actions against policy holders under such policies which have been settled either by payment or by compromise.

The laws next stipulate that the insurer shall reserve upon all kinds of policies irrespective of the date of issue: (1) for each suit or action pending on injuries reported prior to 18 months previous to the date of making the statement, the average cost, as shown by the experience given; and (2) for injuries reported under

such policies at any time within 18 months, the average cost for each injured person as shown by the experience submitted. Then from the sum thus ascertained the insurer may deduct the amount of all payments on said pending suits or injuries reported prior to 18 months, and also the amount of all payments made on account of said injuries reported within 18 months. Insurers who have not been engaged in liability underwriting for the specified period, must, nevertheless, make and maintain a reserve irrespective of the date of issue, which is determined along lines similar to the above.

Under the Michigan law the extra reserve is ascertained by "computing the liability for unsettled claims in said employers liability insurance business at not less than 50% of the premiums received and earned during each and every year, less the amount paid for losses and expenses incidental thereto, upon claims brought under policies issued during each year; provided, that such reserve shall not be computed for more than the five years previous to the time of making such computation; provided further, that to the amount of the reserve so ascertained, there shall be added such amount as is necessary to provide for claims of earlier date, not liquidated."

Surety and guaranty companies. Most of the state legislation of 1905 relating to surety and guaranty insurance has reference to the organization of the companies. In nearly all cases, provision is made that the paid-up capital shall not be less than \$250,000 (Connecticut '05 ch.8; Idaho '05 p.394; Kansas '05 ch.159; Wisconsin '05 ch.171). Tennessee, however, provides ('05 ch.360) that foreign surety companies having a general deposit in some state of the United States of \$100,000, consisting of money or bonds of the United States, or any state, the value of which is at or above par, shall be required to keep a deposit of only \$25,000 in the state. It is also provided that no deposit shall be required of a foreign company which has an actual paid-up cash capital of \$300,000 of which at least \$200,000 shall be invested in United States bonds or some other good securities and deposited with the insurance commissioner of some state. Wisconsin ('05 ch.171) also provides that casualty, credit, title and surety insurance companies shall deposit \$250,000 with the state in order to do business. Among the other laws referring to surety companies may be mentioned those of Connecticut ('05 ch.3) and Idaho ('05 p.394) which make provision for the maintenance of a reserve fund equal to 50% of the gross amount of premiums received on business in force; the law of

Kansas ('05 ch.159) regulating domestic and foreign fidelity, surety and guaranty companies; and the law of Montana ('05 ch.11) making it unlawful and punishable by heavy fine for any person to require the giving of surety bonds in corporations not authorized to transact business in the state.

Live stock insurance. No less than five states¹ passed laws during 1905 relating to the organization and regulation of live stock insurance companies. Of these laws the Idaho statute is the most elaborate and in the most essential particulars is representative of such laws in other states. Any 10 or more persons residing in the state may form a company to insure against the loss of live stock from disease, lightning, tornadoes, cyclones, accidents and every other accidental cause. No policy is to be issued by the company until at least \$200,000 of insurance has been subscribed, and no policy is to be issued for more than three fourths of the cost value of the property insured. Cancellation by the insured is permitted on five days' notice, and the company is subject to examination by the Insurance Commissioner. All assessments levied shall be at the rate of 15% of the annual premium charged by stock insurance companies as set forth in rate book number four of the issue of 1900, or the special rate books used by the company, except under certain specified conditions. Any such association is also permitted to create a reserve fund for the benefit of its members and to invest the same in certain specified securities. In Michigan ('05 ch.153) the reserve fund to be held by such companies shall be calculated by taking 50% of the cash premium received upon all risks not expired at the time the computation is made.

¹Idaho ('05 p.150); Michigan ('05 ch.153); North Dakota ('05 ch.123); South Carolina ('05 ch.417); Washington ('05 ch.40).

EDUCATION¹

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During the year ending September 30, 1905, there were reported from the 41 states and territories holding legislative sessions 367 acts affecting the conduct and administration of schools and colleges and 34 affecting licenses and examinations for entrance to the professions. The great majority of these acts were of local significance, or in the nature of amendments correcting defects in existing statutes, such as levying of taxes, apportionment of moneys, investment of school funds, disposition of bonds, sale of public lands for school purposes, etc. Many, however, were of far-reaching effect, and marked genuine progress in the development of the public school system.

The most noteworthy inference is the great similarity existing between statutes of different states, again demonstrating the fact, if it be not now universally conceded, that we have practically, in spite of our political subdivisions, a national system of education. It is true that some sections of the country are not as advanced in educational requirements as others, owing to the later development of popular education, to the recent settlement of the country, or to other causes; but where a law is passed affecting any of the important divisions of educational policy it is almost invariably based on similar laws in other states where experience and common consent have proved its worth.

This similarity is attributable to the influence of the United States Bureau of Education and to the National Educational Association. The former by its carefully prepared reports on every phase of education, with its incidental advice and comments, has come to be considered an authority on the methods best adapted to the training of American children. The latter, by its annual meetings bringing together the educational leaders from every state

¹See also *Governors Messages and Index of Legislation*, 2220.

and territory in the Union, has become a common ground for the exchange of ideas, for the discussion of questions of administration and general policy, and even for the adoption of similar methods to be tried by mutual agreement in all parts of the country.

Another noteworthy inference of the year's legislation is the growth of the idea that public education is the constitutional and inalienable right of every child, before which family conditions and even parental control must give way. That the state may assert as *paramount* its right to insist that every future citizen receive a certain degree of training is the basis of a statute in nearly every state of the Union.

School codes. The states which have materially amended their school codes are Texas, North Carolina, Washington, North Dakota, Maine and Oklahoma.

The Texas act ('05 ch.124) provides for a more efficient system of public free schools, defines the duties of state officers, fixes salaries and penalties, provides for raising and apportioning funds, and in general creates a code for the administration of all school affairs.

North Carolina ('05 ch.533) amends previous laws relating to the public schools, defines the powers of the State Superintendent and of county superintendents, designates the branches to be taught in the public schools and the grades of certificates necessary for the licensing of teachers.

Washington ('05 ch.56, 142) fixes qualifications for deputy superintendents, provides for special certificates for teaching of kindergarten, music and languages, amends the procedure in reference to the apportionment of school moneys, and fixes the procedure for school district elections, particularly in reference to change of boundaries in school districts.

North Dakota ('05 ch.100) fixes the qualifications and salary of county superintendents of schools, amends procedure in the payment of institute funds, and also amends the Revised Code in reference to those who may be exempt from compulsory attendance.

Maine ('05 ch.48) amends the school code, stating the purposes for which school funds shall be used and designates the duties of superintendent and school committees.

Oklahoma ('05 ch.33) amends article 1 of the public school law relating to the consolidation of school districts and fixes the procedure therefor.

Georgia ('05 p.425) provides for the creation and operation of local tax district schools and for the levying and collection of local tax by counties for educational purposes.

Florida ('05 ch.11) provides for 12 consecutive school years of instruction in the public free schools of the state, designates how each grade shall be known, enumerates the subjects in which instruction shall be given, and provides for appropriations for maintenance of high schools.

California ('05 ch.185) amends section 1532 of the Political Code relating to the Superintendent of Public Instruction, and defines in detail the powers and duties of that officer.

Cities. The two most important acts in relation to city school systems are those affecting the city of Philadelphia (Pa. '05 ch.186) and the city of Boston (Mass. '05 ch.349). The Philadelphia bill is drawn upon lines which are now believed to be sound in the administration of educational policies of cities and contains many of the principles or provisions which are incorporated in the school laws of New York city, Cleveland and St Louis. The main provisions of the law are as follows:

- 1 A 5 mill tax for both the immediate and prospective needs of the schools, which will insure a sum under which the development of the city system will be rapid and effective.

- 2 The minimizing of the powers of the sectional boards and the consequent lessening of the influence of the local ward heeler and the politician. The retention of these ward divisions was a concession to obtain the passage of the bill, and they will undoubtedly be abolished in the near future.

- 3 The appointment of the members of the board of education at large by the judges of the Court of Common Pleas. While this is logically unsound in that it combines judicial and administrative functions, it is probably a better plan at the present time in Philadelphia than the plan of election by popular vote.

- 4 Reduction of the size of the board from 42 to 21, a step in the right direction, but a still smaller board would do better service.

Many minor provisions such as the definite fixing of responsibility the centralizing of powers and duties, the appointment of responsible heads of executive departments, etc., are incorporated. The most serious omissions are the failure to provide a strict merit system for the appointment and promotion of teachers, and some indefiniteness in regard to the powers and duties which surround the office of superintendent. Most of these errors or omissions can be remedied by the first board of education, provided a pro-

gressive and broad minded board is appointed. The general effect of the bill—while it may not meet the enthusiastic praise bestowed by one critic that it places the school system of Philadelphia 50 years in advance—is to give the city of Philadelphia a rational and defensible school system in line with modern educational policies, and a basis for a thorough and effective reorganization.

In April 1905 the Legislature of Massachusetts passed an act reorganizing the School Committee of Boston which will undoubtedly have a radical effect on the administration of school affairs in that city. The act is very short and substitutes for the present School Committee of 25 a committee of five, and bestows upon the latter all the powers, privileges, duties and obligations devolving upon the present committee. The success of this law will depend entirely upon the personnel of the board.

The city of Rochester, N. Y. ('05 ch.608) provided for the establishment of a retirement fund for pensioning retired school teachers.

Wisconsin ('05 ch.273) amended the school law in reference to members of the board of education in cities of the first class, fixing their qualifications, eligibility and privileges, and also fixed the duties of the superintendents of schools and the secretary of the board.

Utah ('05 ch.40) provided that the members of the board of education in cities shall fix the compensation to be received for their services at a sum not to exceed \$100 a year.

Counties. A notable feature of the year's legislation is the general revision of statutes relative to the duties, compensation and qualifications of county commissioners. There seems to be a growth of feeling that a county, or some portion thereof, is a better unit for supervisory purposes than a town.

Nebraska ('05 ch.134) provides that no person shall be eligible to the office of county superintendent who does not hold at least a first grade certificate in force at the time of his election.

Indiana ('05 ch.163) provides that no person shall hold the office of county superintendent unless he holds one of several enumerated state licenses.

North Dakota ('05 ch.100) provides that no person shall be qualified for the office of county superintendent where the salary is over \$1000 a year who is not a graduate of some reputable normal school or higher institution of learning, or who does not hold a state normal or state professional certificate and who has not had at least three years' successful experience in teaching in the state.

California ('05 ch.402) amends the section of the Political Code in reference to the duties of county superintendents and enumerates their powers and liabilities.

Wisconsin ('05 ch.518) amends the law in reference to county superintendents with reference to their salaries, expenses and bonds. The same state ('05 ch.105) requires the county superintendent to hold annually at least one school board convention in his district for the purpose of consultation, advice and instruction upon matters pertaining to the management of the schools. Each member present is allowed \$2 and mileage for expenses.

Oregon ('05 ch.3) defines the duties and requirements and fixes the compensation of county school superintendents and specifies their powers in relation to apportionment of school moneys, certification of teachers, holding of teachers institutes and rendering of reports.

New Jersey ('05 ch.269) raises the salaries of county superintendents to \$2000.

Kansas ('05 ch.229) revises the scale of salaries to be paid county superintendents.

Illinois amends section 27 of the act of 1872, grading county superintendents' salaries in accordance with their services in counties of the first, second and third class.

Michigan ('05 ch.148) amends the act fixing the duties of the county commissioners.

Utah ('05 ch.107) provides for county school districts of the first class, placing them upon the same basis of administration as school districts in cities of the second class.

Rural schools. The consolidation of country schools is increasing in popular favor, and the recent movement for instruction in the elements of agriculture in rural schools is a strong additional argument in its favor. The larger the school the better the equipment for teaching agriculture, and, what is more important, the greater the chance of securing a teacher who is fitted to give instruction.

Minnesota ('05 ch.326) provides an optional plan for counties to consolidate rural schools and to transport pupils at public expense.

Wisconsin ('05 ch.54) provides for a tax for transporting children to and from school, limiting the life of any one contract or agreement to a period of three years.

Oklahoma ('05 ch.33 art.14) provides, under certain conditions, for the transportation of pupils from one district to another.

Vermont ('05 ch.36) amends the statute relating to the conveying of scholars to public schools.

Maine ('05 ch.55) amends the former statute so that school committees of two or more towns having under their care and custody an aggregate of not less than 20 nor more than 50 schools may unite in the employment of a superintendent of schools, provided this has been authorized by a vote of the towns at a regular or special town meeting.

Wisconsin ('05 ch.499) authorizes the State Superintendent to appoint a competent person to act as an inspector of rural schools. Said inspector receives an annual salary of \$2000 and all actual and necessary traveling expenses.

Minnesota ('05 ch.296) amends various laws in relation to qualification of teachers in rural schools and apportionment of moneys by the State Superintendent.

Utah ('05 ch.121) provides a source of revenue for common school districts where the revenue from the state, county and district school tax is insufficient.

Funds. West Virginia ('05 ch.42) amends prior acts relating to sales of lands for the benefit of the school fund, prescribing the manner in which suits for sale of school lands are to be brought, who are to be joined as defendants, etc.

Vermont ('04 ch.42) takes a step toward the creation of a permanent common school fund by appointing a commission to fully investigate the sources of funds and endowments in other states and report their findings to the General Assembly of Vermont, which is to meet in October 1906, together with a bill for the consideration of said assembly.

Certification and training of teachers. The care with which the licensing of teachers for public school service is observed seems to be increasing throughout the country. Every state has statutes governing the qualification and certification of teachers and these are being amended year by year so as to insure a competent and trained teaching service.

South Dakota ('05 ch.99) provides for two professional certificates, to be known as the state certificate and the life diploma, and the conditions under which they may be earned.

North Dakota ('05 ch.107) amends the school code providing for life professional certificates and first and second class state certificates and fixes clearly qualifications of teachers and the various grades of certificates.

Nebraska ('05 ch.135) provides a more uniform system for the certification of teachers and repeals various sections of the former code relating thereto. The certificates issued by authority of the

state are divided into three principal classes, namely, state certificates, county certificates and city certificates. Each of these is subdivided into various classes and the qualifications and penalties for each set forth.

Washington ('05 ch.85) amends the code relative to normal schools and the training of teachers therein.

Vermont ('04 ch.33) provides for special certificates for teachers and supervisors of singing, drawing and other special subjects in secondary schools.

Tennessee ('05 ch.211) provides that whereas the trustees of the Peabody fund have resolved to apply \$1,000,000 of the capital of said fund to the establishment at Nashville of a college for higher education of white teachers, to be known as the George Peabody College for Teachers, the state appropriate \$250,000 for the use of said college, payable \$25,000 annually for 10 years, provided the other conditions mentioned in the deed of gift be fully carried out.

Compulsory education. More statutes affecting this important question were passed than on any other phase of school policy. These statutes were usually in the form of amendments to already existing statutes, and particularly in reference to penalties for evasion of the law, more clearly defining the duties of truant officers and extending the ages for the application of the law.

Massachusetts ('05 ch.320) provides that every child between 7 and 14 and every child under 16, who can not read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which they reside, subject to certain exceptions.

Michigan ('05 ch.200) revised the entire statute concerning compulsory education and fixed the duties of all officers connected therewith.

Minnesota ('05 ch.265) raised the age of required attendance from 16 to 18 years.

Missouri passed an act to enforce the constitutional right of every child in the state to an education and to provide for truant or parental schools and attendance officers in cities of 10,000 population or more.

Nebraska ('05 ch.140) placed the ages between which compulsory attendance is required at 7 and 15 years.

Tennessee ('05 ch.483) provided for enforcing the education of children in the counties of Union and Claiborne.

Washington ('05 ch.162) passed a law relating to compulsory attendance of children between 8 and 15, specifying the prohibitions of employment, the duties and powers of attendance officers, district clerks and county attorneys.

Kansas ('05 ch.384) passed an act requiring deaf, dumb or blind children between 7 and 21 to be sent to some suitable school.

High schools. The growth of high schools has been greater in the last two years than during any similar period since 1895. Four hundred and thirty schools have been established and the increase of students in attendance aggregates 43,595.

Secondary education has seemed to recede from its two extreme positions and approach a more common ground. The former general and scholastic courses have been made more practical and the practical courses that have heretofore been somewhat narrow are being broadened by the introduction of cultural subjects. Much of the legislation of the past year has affected secondary education and has been largely in the direction of extending high school privileges to inhabitants of towns and rural districts where high schools do not exist.

Pennsylvania ('05 ch.23) provides that children residing in districts in which no public high school is maintained may attend a high school in some other district and the cost be met by moneys raised by taxation in the home district.

Vermont ('04 ch.37) provides that every town shall establish and maintain a high school or furnish higher instruction for advanced pupils in accordance with certain stated provisions.

Wyoming ('05 ch.67) provides that proceedings may be begun for the organization of a high school district at the request of 100 freeholders and that upon receipt of such request the board of county commissioners must take steps for the organization of the district.

California ('05 ch.65) authorizes the levying of a state tax which shall be applied to the support of high schools under definite provisions of statute.

New Hampshire ('05 ch.89) provides for the appropriation of state funds for high school tuition.

North Dakota ('05 ch.24) amends the Revised Code relating to state aid to high schools, increasing the amount for schools maintaining a four-years' course, decreasing the amount to school maintaining a three-years' course and repealing the provisions for schools maintaining a two-years' course. This is in line with the policy of New York and many other states to place high schools and academies upon a four-years' basis.

New Hampshire ('05 ch.19) also legislates on this same point by enacting that by the term "high school" or "academy" is understood a school having at least one course of not less than four years.

An interesting decision affecting public high schools has recently been made by the Supreme Court of Kansas. Under the authority of an act passed by the Kansas Legislature the board of education of the city of Lawrence passed a resolution to the effect that all pupils attending the high school should be required to pay a tuition fee of \$2.50 a term, and authorized the city superintendent of schools to expel from school all children then attending who refused to pay such tuition fee. Upon certain children's refusing to pay the fee they were expelled from school, and an action was brought by their parents for their reinstatement on the ground that the high school being a part of the common school system of the state, the act authorizing boards of education to charge tuition to pupils resident in the district was unconstitutional. In a well written and able decision, Judge Greene of the Supreme Court of Kansas decided in favor of the plaintiffs and held, first, that a high school grade of a city system of schools is a part of the common school system; second, that the term "common schools" as used in section 2, article 6 of the Constitution of the state of Kansas, means free common schools; third, that that part of section 1, chapter 224 of the Laws of 1889 which authorizes cities of the second class to maintain high schools in whole or in part by collecting a tuition fee from each pupil, violates the Constitution, and is therefore void.

School books. Connecticut ('05 ch.174) requires that all towns that have not heretofore done so shall be required to vote during the year 1905 upon the question of free textbooks.

Oklahoma ('05 ch.33 art.11) passes an act regulating the sale of school books and special supplies and providing the penalties for violating the same.

North Carolina ('05 ch.707) makes an appropriation to promote the production and publication of school books relating to the history, literature or government of North Carolina for use in the public schools and provides for the appointment of a commission for the examination of manuscripts.

Missouri ('05 p.302) abolishes the School Book Commission.

Industrial education. The adjustment which the schools of the country are endeavoring to make in order to satisfy the demands of the tremendous development of our commerce and of our industries, makes rapid progress every year and much of the most important legislation of the last 12 months relates to this subject.

Minnesota ('05 ch.314) provides that counties may appropriate \$20,000 annually for schools of agriculture and domestic economy.

Massachusetts ('05 r.94) provides for a commission to consider the needs for technical education in the different grades of industrial skill and responsibility.

Arizona ('05 ch.20) provides that in all school districts within the territory instruction may be given in the subjects of manual training and domestic science.

Wisconsin ('05 ch.158) includes "elements of agriculture" as one of the required studies in the public schools.

Pennsylvania ('05 ch.36) extends to cities of the third class the provisions of prior laws relative to central boards of education establishing and maintaining schools for instruction in mechanical arts and kindred subjects.

Massachusetts ('05 ch.448) authorizes the city of Boston to maintain an institution to be known as the Franklin Union, which shall be similar to the Cooper Union in the city of New York.

Miscellaneous. South Dakota ('05 ch.104) makes it the duty of the officers of every school district in the state to plant trees and shrubs on the school grounds.

Pennsylvania ('05 ch. 41) prohibits experiments upon any living creature in any public school of the state.

Oklahoma ('05 ch.33 art.12) provides for moral and humane education in the public schools of the territory and also prohibits experiments upon any living creature in the public schools.

North Dakota ('05 ch.108) requires humane treatment of animals to be taught in the public schools.

New Mexico and Oklahoma passed flag laws requiring the United States flag to be displayed on the public school buildings when the schools are in session.

Wisconsin ('05 ch.373) authorizes school districts and boards of education to organize mutual fire and tornado insurance companies for the insurance of public school buildings and their contents.

Nebraska ('05 ch.12) requires the State Superintendent of Public Instruction to give a bond for \$50,000. This is one of the items in the statute fixing the amount of bonds for all state officers.

Vermont ('04 ch.48) provides that a person holding a license for the sale of intoxicating liquor, or any person connected with the traffic in intoxicating liquor, with the exception of registered pharmacists, shall be ineligible to the office of school director, school superintendent or any other office pertaining to the management of the public schools.

Higher education. Minnesota ('05 ch.119) divests the State Board of Control of all authority and jurisdiction over the State University and the state normal schools, and provides for the management of the university by the board of regents and of the state normal schools by the normal board.

Utah ('05 ch.133) prescribes and limits the courses of instruction which may be pursued in the State University.

Illinois by an act approved May 12, 1905, provides for one scholarship in the University of Illinois for each county in the state and prescribes the manner in which the appointments shall be made.

Professional education. Material progress has been made in the last two years in establishing legal provisions in the various states guarding the entrance to the professions of law, medicine, dentistry, veterinary surgery, nurse training and public accounting. The necessity of maintaining relatively uniform standards in the various states is now recognized sufficiently to induce legislative action. The state of New York leads in her elaborate code governing all of these professions, and the laws of other states are usually based upon the New York statutes. The Southern and far Western States are still slow to act.

In law, the state of Missouri has established a state board of examiners and a preliminary education equivalent to a grammar school course.

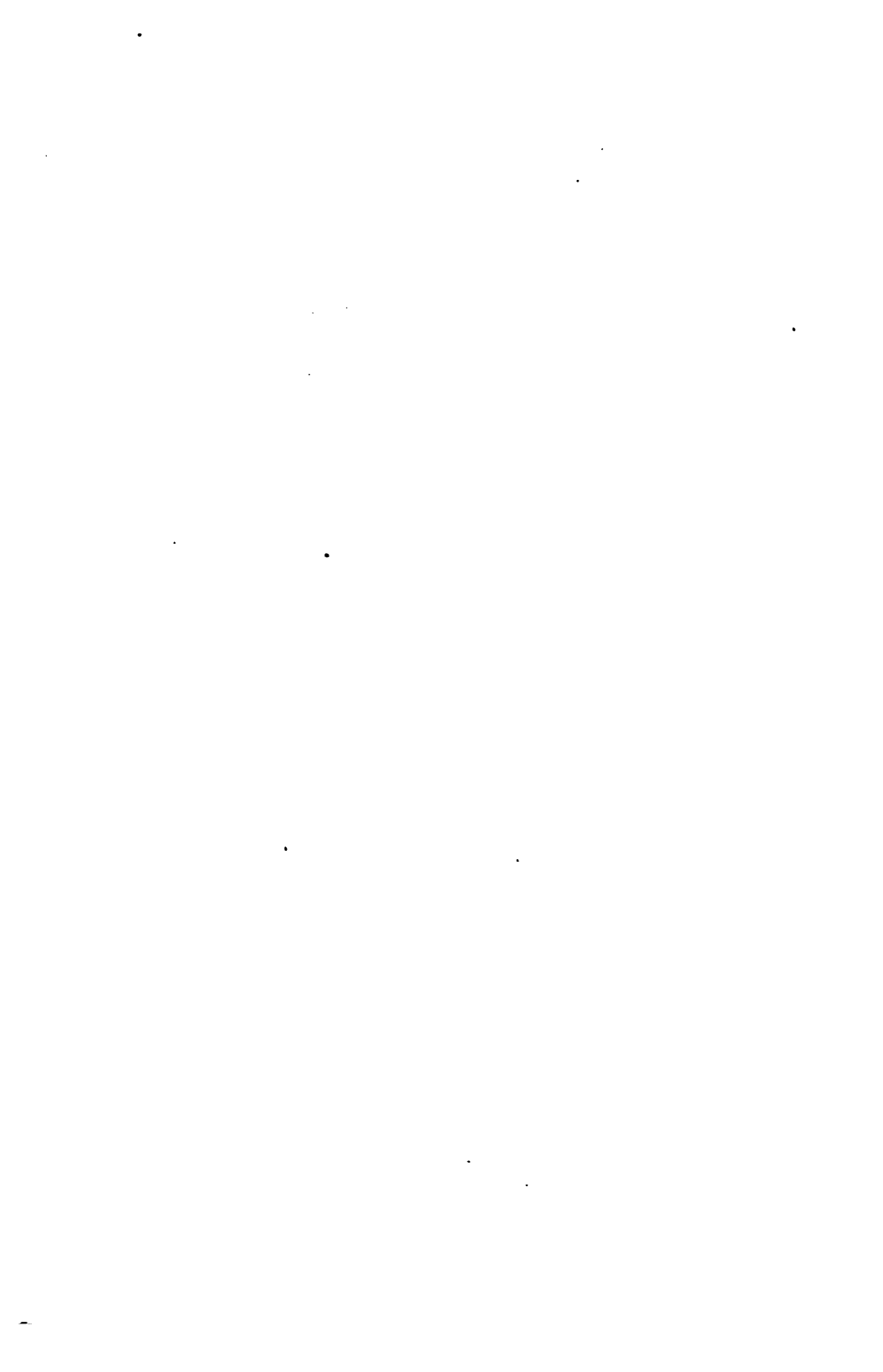
In medicine, reciprocity provisions for indorsing other state licenses have been passed in Georgia, Iowa, Missouri and Wyoming. Medical acts have been revised in South Carolina, Kentucky, Vermont and Wyoming.

In dentistry, state boards of examiners have been created by Kentucky and Wyoming; Mississippi requires high school education or its equivalent as a preliminary to the examination.

In pharmacy, New York has made eight years in elementary schools and one year in high school a prerequisite to entering a school of pharmacy. Pennsylvania has become the second state requiring a diploma from a reputable pharmacy school for admission to licensing examinations.

In veterinary medicine, Maine and Missouri have established state boards of examiners and New York has raised the entrance requirement of veterinary colleges to a four-years' high school course, or its equivalent, placing this profession on a par with medicine and dentistry.

In nurse training, Maryland has created a state board of examiners, and the equivalent of a high school course and diploma from a training school is required for registration.



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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 297

LABOR¹

ADNA F. WEBER PH.D., CHIEF STATISTICIAN, NEW YORK
DEPARTMENT OF LABOR

In discussing the policy of labor protection Governor Higgins of New York emphasizes the desirability of uniform legislation throughout the country "in order that the industries of the state may be relieved from the unfair competition of those states which place no restriction upon the subject"; while Governor Roberts of Connecticut declares that "whatever safeguards the health of the employees of our industrial establishments improves their efficiency and increases the prosperity of the state." The two views of the effect of labor legislation contrasted in the foregoing statements are not altogether irreconcilable. Labor laws enacted for the protection of wage earners sometimes place temporary handicaps upon the employers thus affected, but if they tend to preserve the health and build up the self-respect of the working people otherwise subjected to intolerable toil and a slavish discipline, they make for a higher standard of workmanship and citizenship. Governor Douglas of Massachusetts affirms that "it is because Massachusetts has been foremost of all states in the enactment of laws for the welfare of its workers that she is a leader among the manufacturing commonwealths," and any one familiar with the exceptional skill and high morale of the workers in many New England manufacturing communities will readily concede the large share of credit to be given to labor legislation in the maintenance of a prosperous industry in a section of the country that lacks natural advantages. In other sections of the country where the policy has been one of social neglect, there have existed discontent, mistrust and suspicion in the ranks of employees, which on occasions have led to violent outbreaks against law and order. New England, on the other hand, has seldom had to concern itself

¹See also Governors Messages and Index of Legislation, 2040

with expensive industrial warfare, which not only harms industry itself but in the long run costs citizens more than does the enforcement of adequate laws for the protection of wage earners.

The factory laws of 1905 reveal the steady growth of the policy of labor protection in this country, a number of the leading industrial commonwealths having amended and improved existing regulations. Pennsylvania ('05 ch.226) enacted a new factory law containing many improvements not only in respect of child labor (*see* p. 321) but also in regard to the health and safety of adult workers. Washington ('05 ch.84) in revising its factory law has to some extent tied the hands of the factory inspector by providing for an appeal from his orders regarding the fencing of dangerous machinery, to a local board of arbitration. Wisconsin ('05 ch.338) provides for four new inspectors in addition to the six previously authorized and also extends from two to four years the term of the Commissioner of Labor ('05 ch.83). A new statute (Wis. '05 ch.296) requiring manufacturers and owners of corn huskers and shredders to provide safety devices is perhaps the first provision thus far made for the protection of persons who use farm machinery. Wisconsin also improved its regulation concerning scaffolding, ladders, hoists and other appliances used in construction work ('05 ch.250), while Kansas ('05 ch.527) enacted an entirely new law for the protection of building mechanics. The New York amendment ('05 ch.520) to the statute requiring the inclosure of hoistways in buildings under construction was of minor importance (New York Labor bulletin 25, p. 213).

In regulating injurious trades Wisconsin was also conspicuous, having enacted a law to prohibit the use of wood alcohol in a way to endanger the life or health of workmen ('05 ch.274). The law requiring blowers or exhaust fans to be provided on emery wheels etc. in polishing departments of factories was amended so as to cover all polishing and buffing wheels throughout the factory, with the single exception of grindstones upon which water is used ('05 ch.147). Michigan joined the states that prohibit the employment of women in the operation of emery wheels or belts, which give off health-destroying particles of metal and dust ('05 ch.172). Massachusetts appropriated \$5000 for a continuation of the investigation by the State Board of Health into the conditions affecting the health of employees in factories ('05 r.59). Such an investigation is greatly needed and if successfully carried out will be of value to almost every Legislature in the United States. Report is to be made to the Legislature of 1907.

Tennessee enacted the common statute requiring seats to be furnished to female clerks and saleswomen in mercantile establishments ('05 ch.171), while Connecticut, with its numerous brass and iron foundries, found it necessary to compel owners to furnish washrooms and closets for the use of the molders ('05 ch.140).

Mining inspection. Ten states enacted statutes on this subject in 1905. Indiana, Michigan, Utah and West Virginia enacted revised codes, while the Illinois amendments were very numerous. Minnesota for the first time provided for the inspection of mines, by imposing that duty upon each county having five mines ('05 ch.166). Kansas, Missouri, Nevada and Wyoming were the other commonwealths represented in this field of legislation.

Railway labor. The protection of trainmen from overhead obstructions has been a matter of concern to many Legislatures and most of the enactments of 1905 relate to this particular subject. Vermont ('04 ch.91) required bridges and other overhead obstructions to be at least 22 feet above the rails; while Kansas ('05 ch.356) and Wyoming ('05 ch.81) regulated the stringing of wires over railway tracks. Wisconsin ('05 ch.348) provided that railway companies shall place telltales or warning devices on all bridges and obstructions over their tracks that do not clear the tops of freight cars by at least 7 feet. New York ('05 ch.611) required railway companies to have locomotive boilers inspected as often as once every three months and file certificates of inspection with the State Board of Railroad Commissioners. Maine required street car platforms to be vestibuled in winter ('05 ch.32) and New York added Kings and Queens counties to the other counties in which vestibules are required ('05 ch.453), New York county now being the only county to which the law does not apply.

Employers liability. Most of the economists and legal writers of this country who have given attention to the problem of industrial accidents hold negligence law to be an entirely ineffective remedy, owing to the fact that the mass of the accidents happening to workmen in the course of their employment can not be ascribed to negligence that is ascertainable and apportionable by legal processes. It is not negligence that makes the operation of trains a hundred times more destructive to life and limb than is the manufacture of cigars; but rather the inherent hazards of the industry. Outside of the United States this fact has been recognized in legislation, so that at the present time the United States enjoys the unenviable distinction of being the only civilized,

commercial nation that has not made the expense of indemnifying workmen injured through accident a charge upon the industry in which they were engaged.

The idea of a trade risk (*risque professionnel*) is now, however, being discussed here not only in academic circles but in the realm of practical politics. Seven years ago the New York Bureau of Labor Statistics published a report on employers' liability, in which it presented the European legislation on the subject. Since then the Wisconsin Bureau of Labor Statistics has made a similar report, while a special commission on relations of employers and employed in Massachusetts has recommended and framed a workmen's compensation act on the lines of the English act of 1897. Last year the Governor of Minnesota in his message to the Legislature declared that the common law doctrine of negligence "is entirely unsuited to the present era, when high-gearred and dangerous machinery performs such a large part in the production of manufactured articles"; and he approved the rule, already accepted abroad, that "the industry should bear the risk and not the unfortunate workmen who are now daily deprived of the means of earning a livelihood" by industrial accidents. In Illinois, where the common law doctrine has not been modified by statute, the Legislature manifested its dissatisfaction with negligence laws by authorizing the appointment of a commission to investigate and report a plan of workingmen's insurance ('05 p.401). President Roosevelt in his message to Congress of December 1904 recommended that "the Congress appoint a commission to make a comprehensive study of employers liability with the view of extending the provisions of a great and constitutional law to all employments within the scope of the federal power." The failure of Congress to provide for an investigation so obviously needed will make all the more welcome the report on workingmen's insurance that is now preparing in the United States Bureau of Labor.

In this country at present workingmen's insurance against accidents is mainly confined to the railway service, although many wage earners are of course members of the fraternal orders that provide life insurance. The five principal railway brotherhoods through their beneficiary departments pay out nearly five million dollars a year in death and disability benefits to members, the insurance covering deaths from natural causes as well as from accident. Railway employees on a number of the leading systems also contribute to insurance funds under company management; but they frequently object to these so called "voluntary relief

departments" on the ground that as a condition of membership therein they are compelled to sign away their statutory right to recover damages for gross negligence. Many states have declared such waivers void; South Carolina, which had already outlawed such agreements as between railway companies and their employees, has now made its statute to apply generally to all employees ('05 ch.488).

The remaining legislation of 1905 consists simply of changes in existing common law or statutory rules of negligence applied to the relations of employer and employee.¹ The Wisconsin Legislature failed to act on the recommendations of Governor LaFollette's special message respecting accidents in the railway service, but it added a new section to the factory law providing that an employer who has neglected to guard his machinery as required by law shall not plead in defense that an employee thereby suffering personal injury assumed the risk by continuing to work with knowledge of such omission or neglect ('05 ch.303). The new Washington factory act previously mentioned ('05 ch.84) contains a provision not often found on American statute books, despite the obvious need, namely, that any violation of the law or failure to comply with its provisions which becomes the proximate cause of any injury to an employee, shall make the employer liable in damages (up to \$7500). The courts of New York have been inclined to rule that the employment of a child on dangerous machinery contrary to law makes the employer liable for damages in case of accident, but with this exception no violation of the factory law, however provocative of injuries to workmen, has been admitted as evidence of negligence on the part of the employer; the courts holding that the employee by merely continuing at work "assumes the risk." Against this doctrine of assumption of risk Texas in a statute of 1905 (ch. 163) aims to protect employees of railroads and street railways.

Montana, which had previously modified the rule that the employer is not liable to employees injured through the negligence of a fellow workman, has now abrogated the "fellow servant doctrine" root and branch for the railway service (Mon. '05 ch.1), while Kansas has amended a similar statute by extending from 90 days to eight months the period in which an injured employee must give notice of injury to the company and by providing further that, in the case of an employee receiving treatment in a hospital under

¹A brief summary of the statutes prior to the amending laws of 1905 is given in the Bulletin of New York Department of Labor for March 1906.

the charge of the company, the period of eight months should not begin until his discharge from the hospital, etc. (Kan. '05 ch.341).

Hours of labor. The shorter hour movement, which expresses an intense aspiration for a fuller life on the part of the wage earners who bear so considerable a proportion of the burden of the world's work, appeals to the sympathy of thinking men who are themselves willing to work long hours at a stretch, provided they have opportunity to recuperate their mental faculties by means of an annual vacation. Such vacations, however, would not avail much to the manual worker, who must needs seek the preservation of health and vigor by shortening his daily hours of work. Workmen of a high grade of intelligence and foresight have often succeeded in securing shorter hours through the process of collective bargaining, as, for example, the mechanics of the building trades have done. But the employer in the building industry faces local competition alone and the building mechanics of a single locality can therefore proceed with their demand for a shorter working day without waiting to educate all the workmen of their craft throughout the country. Where competition is not thus confined within narrow limits, it requires years of education to induce even high-grade workmen to accept the sacrifice needed to accumulate a defense fund sufficient to take care of fellow craftsmen who may be left without employment when the time comes to enforce the demand for shorter hours. Thus the printers, who as long ago as 1902 resolved in their national convention that they would work eight instead of nine hours a day, spent several years in preparing for the change, and even now are contributing 10% of their wages for the maintenance of such of their members as have lost employment by reason of the eight hour strikes late in 1905 or early in 1906.

In occupations filled by workmen of less intelligence and foresight—and necessarily, of smaller financial resources—such a movement is out of the question, and it is perfectly natural that they should look to the government to protect them from the blind tyranny of economic forces quite beyond their control. Our traditions in favor of unrestricted competition long prevented state interference of this kind except by indirection—regulating the hours of minors and women, for example, or of workmen employed by the government itself. Even this variety of state interference has had to overcome strong opposition, which is still manifested in the activity of employers' associations and their retainers in the legal profession. But whenever the issue has once come squarely before the people, the limitation of the hours of labor has been approved by significant majorities. To meet the objections of the courts, constitutional

amendments have been offered in several states, New York being the latest. At the general election of 1905 the whole question of government regulation of hours, wages and other conditions of employment on public work was thoroughly debated and the policy emphatically approved, the vote being 338,570 for and 133,606 against.

While legislation of this kind is still the prevalent type, there is every year some addition to the statutes regulating the hours of adult workmen in the occupations distinctly recognized as dangerous or injurious. Railway employees, indeed, are protected against unduly long hours of service in the interest of the traveling public; last year Kansas ('05 ch.342) and Missouri ('05 p.112) joined the states which have provided that railway employees must be allowed eight hours' rest in each 24 hours. On similar grounds, California forbade drug clerks to work more than 10 hours a day or 60 hours a week ('05 ch.34). But legislative bodies have gone beyond this and restricted the hours of work in other occupations as a protection to the workers themselves. Since the United States Supreme Court upheld that form of regulation of industry, in the Utah eight hour mining law in 1898, most of the Western States have enacted statutes restricting the hours of work in mines, smelters etc., although in some cases they found it necessary to amend the state Constitution before the state courts would follow the authority of the Federal Court. Colorado ('05 ch.119) and Montana ('05 ch.50) having thus amended their Constitutions last year, enacted statutes limiting the working day in mines, smelting and refining works, etc., to eight hours, and Missouri has also perfected its existing eight hour law ('05 p.236).

That Legislatures are not to have an absolutely free hand in carrying out this policy of labor protection is evidenced by a decision of the United States Supreme Court last year, in which, by a majority vote, it held unconstitutional the New York statute of 1895 which made 10 hours the maximum day's work for bakery employees (*Lochner v. N. Y.*, 198 U. S. 45). The New York Court of Appeals had previously sustained the law, and the only distinction that can be drawn between the two decisions involves a question of fact—*how* injurious is the occupation of a baker? The state court held that men working in bakeries pursue an unusually unhealthy trade, while the Federal Court held that the occupation of a baker is not so extraordinarily injurious, as compared with other occupations, as to necessitate and justify special regulation of working hours. It is well established by the investigations of the New York Bureau of Labor Statistics and the factory inspectors that

some at least of the bakeries of New York city are exceedingly unsanitary and presumably act unfavorably upon the health of bakers employed therein, especially if their powers of resisting disease are diminished by persistent overwork. New Jersey, in remodeling its bakeshop law, with provisions for the 10 hour day, permits overtime not exceeding two hours daily, in cases of emergency ('05 ch.102).

The Montana eight hour law ('05 ch.50) already referred to applies to public work as well as mines and smelters. Several other states amended their eight hour statutes with a view of securing better enforcement. This legislation is simple enough in principle, but raises unexpected difficulties in administration. Both California and Nevada have made violation of the law a misdemeanor and have also provided additional penalties; in Nevada ('05 ch.32) violation by a contractor is sufficient cause for forfeiting the contract, while in California ('05 ch.505) the contractor must pay a fine of \$10 a day for each workman required to work beyond eight hours, the amount of the fine to be deducted from moneys due him on the contract.

The temporary handicap which legislative restriction of working hours may impose upon the industries of one community in its competition with other states has led Massachusetts to instruct its senators and representatives in Congress to use their influence to secure an amendment to the Constitution authorizing Congress to enact uniform laws on the subject ('05 p.429).

Payment of wages: assignment of wages. As our industrial order is based upon the theory of free competition, laborers have a just claim for legal protection from extortion or oppression when competition does not afford protection. The payment of wages in store orders may and usually does, as a matter of fact, permit the employee no alternative to paying exorbitant prices for the necessities of life, as he is forced to trade at a single store, in which the employer has a direct or indirect interest. Truck laws, or laws requiring the redemption of store orders in lawful money, are therefore very old, dating back to the year 1464 in England and to 1500 in Germany mining districts.¹ Notwithstanding the need of legislative interference thus evidenced by general experience, many American courts, in what seems a rather blind devotion to the dogma of freedom of contract so far as it concerns protection to labor, declined to recognize the right of the Legislature to intervene for the protection of wage earners against monopolistic power until the United States Supreme Court gave its authority in favor of anti-

¹Freund, Police Power, §319.

truck legislation (*Knoxville Iron Co. v. Harbison*, 183 U. S. 13). There are still many states without such statutes and in only one state, Nevada, was anything done toward supplying the want in 1905. Nevada ('05 ch.106) made it a misdemeanor for an employer to discount time checks issued to employees. Washington ('05 ch. 112) amended its cash payment law so as to insure to a discharged employee the payment forthwith of wages earned. In Texas minor amendments ('05 ch.152) were made, and in Missouri the St. Louis Court of Appeals, following the Supreme Court decision of the previous year, declared unconstitutional the second section of the antitruck law compelling the redemption of store orders in money (*Leach v. Missouri Tie and Timber Co.* 86 S. W. 579). Kansas made it a misdemeanor to defraud a miner by tampering with the check number of his car ('05 ch.214) and Massachusetts amended its statute regulating the system of fines in textile factories by requiring the employer to furnish to the operative the specification of work and prices within three days instead of seven days, etc. ('05 ch.304).

The average wage earner requires nearly all of his earnings for the maintenance of his family and lays by little money for the emergencies of illness, accident, lack of employment, etc. To meet such emergencies he must borrow where he can, pledging his future wages as security. His necessities make him a prey of "loan sharks" who in one way or another exact exorbitant interest despite usury laws. In recent years many states have legislated to protect wage earners in such emergencies, the usual method being to require more publicity. Thus Connecticut ('05 ch.78) makes assignments of future wages or salaries invalid without a certificate of acknowledgment containing particulars as to the term and the amount of the loan, the rate of interest, etc. In Minnesota the statute ('05 ch.309) further requires written notice of the assignment to be given within three days to the employer, whose consent is made necessary to the validity of the assignment. Wisconsin ('05 ch.148) adds a new section to the statute which requires the assignment of wages by a married man to be signed also by his wife and this requirement is found in the new Illinois statute ('05 p.79), which makes service of notice upon the employer necessary to its validity. Massachusetts also enacted an assignment law in 1905 (ch.308), while Texas imposed an occupation tax of \$5000 a year upon all persons "engaged in the business of taking, purchasing or procuring assignments or transfers of wages not earned or not due and payable at the date of such assignment or transfer" ('05 ch.111).

Employment offices. In 14 states public employment bureaus exist for bringing together workmen seeking employment and employers desiring help. In 1905 the Legislatures of Michigan and Minnesota enacted legislation for the creation or maintenance of such offices. The Michigan act ('05 ch.37) directs the Commissioner of Labor to establish a free employment bureau in each city of 50,000, thereby confirming and amplifying the work he had previously done under his general powers. Minnesota, which had previously authorized certain counties to maintain free employment offices, now appropriates \$1750 ('05 ch. 316) for the establishment of a state bureau in one of the large cities (Minneapolis). The recent statistics of the offices are as follows (Mass. Labor Bulletin, March 1906):

STATES HAVING FREE EMPLOYMENT OFFICES	Applications for help	Applications for situations	Positions filled	Percentages of positions filled to applications for situations	Per capita cost of each position filled
Connecticut.....	10 116	11 730	8 694	74.12	\$1.03
Illinois.....	44 577	45 323	39 598	87.37	.80½
Kansas.....	722	5 706	5 712	100.11	.....
Maryland.....	263	451	122	27.05	.....
aMichigan.....	.....	.....	.....	.....	.....
Minnesota.....	.....	.....	4 994	.....	.24
Missouri.....	14 204	13 948	8 400	60.22	.....
Montana (Butte).....	11 653	13 555	10 274	75.79	.17½
Nebraska.....	.....	.....	.....	.....	.....
New York.....	4 072	6 032	4 384	72.68	1.18
Ohio.....	30 508	24 132	21 203	87.86	.85
Washington (Seattle).....	.....	.....	20 558	.....	.0636
West Virginia.....	2 008	2 239	1 711	76.42	.....
Wisconsin.....	16 462	15 602	15 587	99.90	.34
Totals.....	134 585	138 718	b115 685	83.40	.....

aOffices created by laws of 1905.

bNot including Minnesota or Washington.

Three states amended the statutes which regulate private employment agencies. It will be remembered that the Supreme Court of California last year held unconstitutional section 4 of the act of 1903, limiting the fee of an employment office to 10 % of the first month's earnings in the position secured. The amending act of 1905 (ch.145) repeals section 4, but makes it unlawful for employment agents to induce or engage an employee to take a new position by any form of misrepresentation and requires

them to refund fees whenever any of their representations "shall prove to be in any material degree at variance with or short of the truth." Connecticut amends its law to introduce the precise limitation that was declared unconstitutional in California, although it is more liberal than the former limitation of the fee to \$2 ('05 ch.271). Connecticut also exempts teachers agencies from the payment of license fees ('05 ch.148). The Missouri amendment ('05 p.129) strengthens the law by making deception punishable and by requiring the refunding of fees where a position is not obtained for the applicant within three days, instead of a "reasonable time."

Strikes, blacklists, boycotts etc. Relatively little legislation on the subject of labor disputes is found among the statutes of 1905. Utah ('05 ch.16) enacted the common statute against intimidation, making it a crime to threaten bodily harm or the destruction of property for the purpose of preventing any person from being employed. Colorado enacted a trade dispute law ('05 ch.79) which outlaws picketing or patrolling and boycotting as well as blacklisting. In the first mentioned case the prohibitions seem to be so sweeping as to deny the constitutional freedom of speech, but the prohibition of blacklists is qualified by the proviso that it shall not prevent a former employer "from imparting a fair and unbiased opinion of a workman's qualifications when solicited." Nevada also enacted a law against blacklisting ('05 ch.150), which provides a penalty for a person convicted of blacklisting or publishing any discharged employee with the intent of preventing such employee's engaging in similar employment, or of conspiring or contriving by correspondence or otherwise to prevent such employee from procuring employment. But the act does not prohibit the employer from giving upon application a "truthful statement of the reason for the discharge," and provides that such written cause of discharge shall not be used as the cause for an action for libel. A Missouri statute ('05 p.178) makes it the duty of a corporation, under penalty of the law, to issue to a discharged employee, upon request, a letter "setting forth the nature and character of service rendered by such employee and the duration thereof, and truly stating for what cause, if any, such employee has quit such service." California ('05 ch.70) has eliminated from its civil code the prohibition of enticement of a servant from his master. New Mexico, on the other hand, imposes a penalty on a workman who obtains money or goods in advance and fails to perform the work agreed upon ('05 ch.37).

CHILD LABOR LEGISLATION¹

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The year under review is perhaps the most notable in the history of child labor legislation in the United States. Not less than 22 states and 1 territory passed laws regulating in some way the employment of children. The full text of these laws has been published in Bulletin 62 of the United States Bureau of Labor (January 1906). Only two states (Georgia and Nevada) have no child labor law in the proper sense of the term. Of the territories belonging in the same category, the District of Columbia is the most notorious in lagging behind in the general movement for the legal protection of childhood that has swept over the entire country within the past decade, and the most fruitful achievements of which have been accomplished since the organization and persistent agitation of the National Child Labor Committee formed in April 1904.

Of the 23 statutes referred to above, two gave to their respective states (Delaware and Kansas) for the first time a comprehensive child labor law; 10 (California, Connecticut, Massachusetts, Michigan, New York, Oregon, Pennsylvania, Rhode Island, Vermont and West Virginia) were amendments to existing child labor laws which raised the age of protection, extended the scope of the law to new occupations, or provided for stricter enforcement. Three statutes (Missouri, Washington, Wisconsin) were in reality amendments to the school law though they contained provisions relating to employment as well; three (Illinois, Indiana, Montana) raised the age of employment in mines. There was also a statute in Pennsylvania not included in the above 23 and separate from the factory act regulating the employment of children in and about anthracite coal mines. Two statutes (Indiana, New Hampshire) regulated the

¹See also Governors Messages and Index of Legislation, 2118.

number of hours children may be employed; two (Maine, New Hampshire) forbade children of specified ages engaging in dangerous or immoral exhibitions, selling liquor, begging etc. The Hawaii law related only to the employment of minors where intoxicating liquors are manufactured or sold. Georgia and North Carolina enacted laws making parents punishable as vagrants if they are able-bodied and live in idleness off the earnings of their children.

The age standard. There is now observable a very general tendency in the Northern and Western States to prohibit the employment of children for wages, except in domestic service and farm work, under 14, and in the Southern States under 12. This is frequently accompanied by the further prohibition of night work (between the hours of 7 or 9 p. m. and 6 or 7 a. m.) to children under 16 in the North and West and 14 in the South. The 16 year standard also very generally applies to dangerous occupations and to work underground in mines at all hours.

During 1905 California ('05 ch.18) raised the age of prohibition from 12 to 14 for practically all occupations employing children but gave the judges of the juvenile courts, or of the superior county courts where there are no juvenile courts, the power to issue temporary permits to children of 12 in cases where after investigation by a truant officer or other competent person appointed by the judge it is shown to the satisfaction of the court that the parents are incapacitated for labor through illness. Children of 12 are also permitted to work during the school vacations upon presentation of a principal's certificate of attendance at school during the preceding term, but no child under 16 may be employed during the hours the public schools are in session unless he can read and write English or attends night school. Various kinds of farm labor and domestic service are specifically exempted and the entire law is much weakened by its exceptions, most of which have been tried in other states and found to be bad.

Delaware is removed from the black list of states having no standard by the statute ('05 ch.123) making 14 the legal age for employment in any factory, workshop or establishment where the manufacture of any goods whatever is carried on. Two exceptions are made: the act does not apply to canning and preserving industries, agricultural business or the manufacture of fruit and berry baskets, and the factory inspector may except any child of any age in any occupation who is a means of support and maintenance of a widowed mother. The latter is a very bad and

unnecessary exemption, placing as it does the burden of poverty on the shoulders of a child under 16 instead of on the community at large, which is much better able to bear it, and opening the door to possible abuses of the over-generous intent of the Legislature. A similar provision exists in the laws of several states. Kansas ('05 ch.278) raised her age standard from 12 to 14 for factories, packinghouses and mines, and to 16 for employment at any occupation or place dangerous or injurious to life, limb, health and morals. The latter proviso will probably be ineffective because there is no general judicial interpretation of dangerous employments and the Illinois statute ('03 p.187 §11) enumerating them is capable of better enforcement. Michigan ('05 ch.171) made the 14 year standard applicable to offices, laundries, bowling alleys, telegraph and messenger service, which were not covered before in that state but are regulated in many other states, notably Massachusetts, New York, Illinois, Pennsylvania etc. New York ('05 ch.493) made it possible to enforce her age standard by requiring the employer to furnish the evidence of age required by law upon the demand of the Commissioner of Labor or health officer in the case of a child apparently under 16 without a certificate, thus placing the burden of proof on the employer and not on the administrative officer. This is a new step in advance of legislation in other states and works well. A wider latitude and some discretionary power was given to health officers in accepting record evidence of age when issuing employment certificates (N. Y. '05 ch.518). The regulations of the newsboys' traffic were extended with same age limits to cities of the second class (N. Y. '05 ch.519). Pennsylvania ('05 ch.226) raised her age standard from 13 to 14 and widened the scope of occupations to include practically all industries employing children except farm labor and domestic service, which together with coal mining (covered by separate mine laws) are expressly exempted. Night work (9 p. m. to 6 a. m.) is prohibited to children under 16, except in occupations (practically intended to cover glassworks) where there is a continuous process and material (not children) may be endangered by cessation of work, and during 20 days preceding Christmas in retail mercantile establishments. Rhode Island ('05 ch.1215) changed the age standard from 12 to 13 to become fully effective January 1, 1906, and to 14 to become effective January 1, 1907, and also prohibited night work (8 p. m. to 6 a. m.) to children under 16, except for mercantile establishments on Saturdays and four days preceding Christmas. Vermont reenacted

('04 ch.155) the 12 year standard but required a child to be 15 to work during school hours or after 8 p. m., and to be 16 unless it has attended school 28 weeks during the current year and has a school certificate to that effect. West Virginia extended ('05 ch.75) her 12 year standard to mercantile establishments unless the employment does not interfere with regular school attendance. Governor Glenn of North Carolina urged in his message that the 12 year standard in that state be increased to 14 for illiterates as an incentive to school attendance in mill districts, but a bill to do this, and also including all girls under 14 whether illiterate or not, was killed by committee. Governor Utter of Rhode Island recommended the same age standard for employment as for school attendance and the giving to factory inspectors the same powers to require proof of age as now possessed by school attendance officers, which will be practically the case when the child labor law already referred to ('05 ch.1215) becomes fully operative. The lower house of the Georgia Legislature passed a bill which was lost in the Senate by six votes, to enact the 12 year standard. In the Florida Legislature a bill embodying the 12 year standard passed both houses but was amended in one house and the conference report was not acted on at the time of adjournment.

The age standard for employment in mines. In the more advanced states no women and no males under 16 are permitted to work in mines and no males under 14 in coal breakers, collieries or around outside workings of mines.

Pennsylvania raised her standard of age in 1903 but the act was defective and declared unconstitutional; it was reenacted in 1905 ('05 ch.222) but refers only to minors, fixing the above age limits. It also required employment certificates based on record evidence of age and educational qualifications, but these sections of the law (§3-11) have been held unconstitutional (*see Collett v. Scott*, Superior Court of Pa. April 1906). Sections 1 and 2, however, which prescribe the above age limits and fix a penalty for violation, still stand. Illinois ('05 p.326) prohibits all women and boys under 16 (the previous law was 14) from doing any manual labor in or about a mine. Missouri ('05 p.237) raised her standard from 12 to 14 and prohibits females of any age from entering any mine to work therein, and also requires ability to read and write of all boys under 16 as a condition of employment in mines. These provisions do not apply to coal mines less than 100 feet in depth. Montana ('05 ch.16) prohibits employment of all minors under 16

in mines having underground workings, and Indiana ('05 ch. 50) fixes the age for employment in mines at 14 for males and prohibits employment of females at any age.

Employment certificates. The employment certificate is the most effective instrument of enforcement. It certifies to the age and qualifications (physical and educational) of the child and is usually required for a period of at least two years after it has attained the age at which legal employment may begin. It is a feature of child labor legislation that may be said to be still in an experimental stage and often presents difficulties because it presupposes necessarily the existence and friendly cooperation of two sets of state officials, the factory inspectors and the school authorities.

California ('05 ch.18) empowers the city or county superintendent of schools or his deputy to issue age and schooling certificates, which become the employment certificates filed by the employer, on record evidence of age as furnished by the last school census, the certificate of birth or baptism, the public register of birth or *in some other manner*. Where there is no county or city superintendent the local school trustees may appoint a deputy and the superintendent or principal of any school of recognized standing may issue certificates for pupils of such schools. This latter proviso covers children attending sectarian or parochial schools. The person applying for the certificate must swear to the facts stated in it and the issuing authority must certify that said applicant can or can not read and write English. Also the parent or guardian must sign the age certificate and a false statement is made a misdemeanor. Connecticut ('05 ch.115) amended its certificate requirements by giving the State Board of Education power to investigate the evidence of age of foreign-born children and to accept evidence satisfactory to it and issue certificates accordingly. Formerly the registrar of births or the town clerk had this power, which is now placed in one central state authority, whose secretary and agents are given power to administer the necessary oath. The fee of 15 cents for recording a birth and a like amount charged the parent or guardian for a certificate of the record are abolished or omitted from the amended statute. Delaware ('05 ch.123) requires a certificate for children from 14 to 16, showing school attendance of 12 weeks, consecutive as far as possible, from the teacher, and a sworn statement of age from the parent or guardian. In Illinois the new mine law ('05 p.326) simply requires an affidavit of age from parent, guardian or next of kin, sworn to before a justice of the peace or notary

public, which offers no guaranty whatever against falsification, though the factory act requires a very strict certificate with record evidence of age and physical and educational requirements. Kansas ('05 ch.278) requires first a school record of age from the teacher or member of the school board, and when impossible to secure this, then the affidavit of the parent or guardian suffices.

Massachusetts ('05 ch.213) ceases to enumerate the last school census as satisfactory evidence of age, but admits under oath other than public record evidence, and in another act ('05 ch.267) stiffens the educational requirements for those children between 14 and 16 who can not read and write legibly simple sentences in the English language by withholding the employment certificate entirely instead of requiring them to attend night school to make up the deficiency, which was found ineffective and only an additional hardship imposed on the working child. Michigan ('05 ch.171) makes it possible for a foreign-born child between 14 and 16 not having been a resident of the United States for three years prior to the application for a permit to obtain a certificate upon proof of ability to read and write. New York ('05 ch.518) has broadened the requirements for the employment certificate by allowing other than record evidence of age to be accepted in the discretion of the issuing authority when the school record and affidavit are filed, and it appears that the child is in fact over 14 and satisfactory documentary evidence can be produced which, however, does not fall within the previous requirements of the law. Missouri ('05 p.146) requires a certificate showing school attendance during the period required by law before a child under 14 may be legally employed. Oregon ('05 ch. 208) added a prescribed form of employment ticket and age and schooling certificate to its law. The certificate may be issued to a child of 14 to 16 only after it secures from the Board of Child Labor Inspectors a ticket giving name and description signed by intending employer stating nature of occupation. The certificate is issued by the superintendent of schools or his deputy and states that the evidence of age is satisfactory and that the child can read and write English, has normal development and is physically sound and able to perform work which he intends to do, has regularly attended school 160 days during the year previous and has received instruction in reading, spelling, writing, English grammar and geography, and is familiar with the fundamental operations of arithmetic to and including fractions. The Board of Inspectors of Child Labor may issue permits to children between 12 and 14 to work during school vacations. Penn-

sylvania ('05 ch.226) requires a certificate similar in its educational features to that of Oregon and practically the same as the present New York law except that in comparison with Oregon it should be noted that only record evidence of age is admitted and further that it does not prescribe the number of days of previous school attendance but does prescribe that where satisfactory record evidence of age is lacking then and only then is the child required to have had instruction in the subjects enumerated and to have completed the course of study in the common schools as laid down for the first five years or a course equivalent thereto. This is the so called alternative requirement which in the mine law ('05 ch.222), whose certificate is identical, the Superior Court has ruled to be unconstitutional. The Attorney General of the state has given an official opinion to the Factory Inspector to the effect that this same reasoning applies to the factory act which would render the educational provisions of its certificate null and void. The intent of the Legislature may not be clearly expressed, but no unequal alternative standard is in reality required because the law clearly says in section 6 that a prerequisite for all certificates shall be that the applicant has complied with the educational laws of the commonwealth which if it means anything would certainly mean that on the average a child required to attend school at eight years of age would have completed at least five of the six years' course between 8 and 14. Rhode Island ('05 ch.1215) introduces a certificate into its law to be issued by the school committees and requiring record evidence of age but no educational qualifications. Vermont ('04 ch.155) requires a certificate for children under 16 showing attendance at school 28 weeks during current year as a prerequisite to legal employment in any mill, factory or workshop. Washington ('05 ch.162) requires a certificate of school attendance from school superintendent for all children under 15 legally employed during the time when the public schools of a district are in session and exemption is granted from full attendance only to those physically or mentally unable to attend or to those who have an equivalent education to that given in the first eight grades of the public schools.

To summarize the legislation of the year with reference to certificates, we may say that several states have introduced some form of certificate as an aid to the enforcement of both the child labor and compulsory education laws, that Massachusetts alone has made her existing certificate requirements more rigid and that several states have made them more elastic. The certificate presents many serious problems not yet solved in practical experience.

Hours of labor and regulation of night work. The legislation of several states during the year either reenacted or amended the requirements concerning the hours during which children may be employed.

California limits work for children under 18 to 9 hours a day and 54 a week and prohibits work from 10 p. m. to 6 a. m. for children under 16; Delaware, under 16, 9 hours a day and 54 a week; Indiana, under 14, 8 hours a day; Massachusetts, under 14, in all employments night work is prohibited from 7 p. m. to 6 a. m.; Michigan, under 16, night work is prohibited from 6 p. m. to 7 a. m.; New Hampshire, under 18, 10 hours a day, 60 a week and in July and August only 58 hours a week is allowed; Oregon, under 16, night work from 6 p. m. to 7 a. m. is prohibited, being an amendment to the law which forbade night work from 7 p. m. to 6 a. m. In Pennsylvania, for children under 16, 12 hours a day and 60 a week is allowed except on Saturdays and 20 days before Christmas in retail establishments; when night work is allowed the maximum day is 10 hours and in excepted industries where work at any season between 9 p. m. and 6 a. m. is allowed the maximum is 9 hours. Night work is prohibited for children under 16 between 9 p. m. and 6 a. m. except in glass works and foundries. Rhode Island prohibits night work from 8 p. m. to 6 a. m. for children under 16 except in retail establishments on Saturdays and four days before Christmas. Vermont prohibits night work for children under 15 after 8 p. m.

A limitation of hours per day and per week are both necessary and desirable to safeguard child labor.

Miscellaneous provisions and comments. Governor Higgins of New York called attention to lack of rigid enforcement in his message and the same charge belongs even more appropriately to nearly every state that has any child labor legislation than it does to New York, which together with Massachusetts and Illinois has taken the lead in earnest efforts to carry out its existing laws for the protection of childhood. Wisconsin ('05 ch. 246) has given truant officers the same powers as factory inspectors to visit factories and places where children are employed, and Governor Utter recommended similar action in Rhode Island. Governor Heyward of South Carolina recommended that all children from 8 to 12 be required to attend school a certain number of months each year.

No attempt has been made in the above discussion to summarize the existing laws on child labor in all the states or of all the laws in any one state, but only to give a résumé or comment on the enactments of the year under review, and where old provisions are mentioned it is usually because of their reenactment in connection with new provisions of law. Some progress is being made in several states toward a children's code or body of well coordinated law bringing into closer harmony the cruelty acts, the educational laws and the child labor laws in the narrower and more technical sense. There is still, however, much work to be done before there will be anything like reasonable uniformity in the child labor legislation even in groups of states which constitute for practical purposes one industrial and economic area, and much more experimenting must needs be tried before adequate provision is made throughout the country for the reasonable protection of the normal period of school life for the child and for its proper entrance into the industrial life of the nation with the requisite credentials of health, education and fitness for success in its daily toil.



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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 296

ROADS¹

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During 1905, 147 bills touching various phases of road administration were enacted into law by the Legislatures of 31 states. A brief synopsis of over 100 of the most important of these measures is given below.

A constitutional amendment providing for the expenditure of \$50,000,000 by the State of New York for permanent road improvement during the next 10 years has been ratified. In order to receive this aid from the state the counties and townships will be required to expend on these roads an equal amount. The Pennsylvania Legislature has organized a state highway department and appropriated over \$6,000,000 to be expended during the next six years on permanent road work. The counties and townships will be required to pay for one fourth of the cost of this work, which will necessitate their raising the additional sum of over \$1,500,000. The annual state aid appropriation for New Jersey has been increased to \$400,000, while that of Connecticut has been increased to \$229,000. The states of Illinois, Idaho, Michigan, Maine, New Hampshire and Washington have formally adopted state aid laws and a state highway commission has been created in Minnesota. It will be seen, therefore, that the principle of cooperation between the states and the civil subdivisions thereof is meeting with popular favor throughout the country, and that appropriations for this work are greater and more numerous than the most enthusiastic advocates of the plan ever contemplated.

A large number of bills have been enacted in various states to enable counties and townships to increase taxes or issue bonds for road purposes, while many important measures have been enacted

¹See Governors Messages and Index of Legislation, 2700.

which provide systematic and businesslike methods of road administration. Among the latter the most notable are the new supervisors law of Pennsylvania, the county and township road law of Indiana and the county supervision system of Oklahoma.

The use of motor vehicles has increased so rapidly that 18 states have adopted measures which require that automobiles be registered, numbered and provided with lights, brakes, bells, horns or other signals, and speed limits have been fixed so as to protect the interest of other users of the highways.

California. An act was passed regulating the operation of motor vehicles and an appropriation made of \$20,000 to carry the same into effect. The speed of such vehicles must not exceed 1 mile in 6 minutes in thickly settled parts of cities or towns, 1 mile in 4 minutes in all other portions of cities or towns and 1 mile in 3 minutes on country roads. Names of all owners and description of their machines must be filed with the Secretary of State, who furnishes an aluminum seal giving the number of each machine. The registration fee is \$2. Local authorities may set aside certain roads for speed contests and races to be conducted under proper restrictions for the public safety. Franchises may be granted for the construction of roads to be used exclusively by horseless vehicles.

An act passed March 22, 1905, provides for the construction of a public highway from the General Grant park in Fresno county easterly a distance of about 50 miles to King's River canyon, and appropriates about \$25,000 for its construction. An appropriation of \$5000 was also made for guideposts to be erected on the deserts in certain counties.

Connecticut. The annual appropriation for state aid was increased from \$225,000 to \$229,000 by an act approved July 13, 1905 (ch.232). Several amendments were made to the original act, the most important of which are as follows: The Highway Commission is authorized to build roads through towns provided the towns fail to do so under the state aid law and the interests of the state require such action in connecting trunk line roads now under construction. The total cost to be paid by the state for this work in any one year is not to exceed \$25,000, but the town's share for such improvement shall be deducted from any subsequent appropriation. The State Highway Commission is also authorized to employ engineers to make surveys and prepare plans.

An act was passed requiring the registration and numbering of motor vehicles and regulating their speed to 1 mile in 5 minutes in incorporated cities or towns and to 1 mile in 3 minutes on country roads. Nonresident owners of motor cars who have complied with the requirements of the motor vehicle law of the state in which they reside and who shall display on their cars the number of their machine and initials of their state are allowed to use the public roads for a period of not to exceed 15 days in any one year without registering.

Delaware. The state aid law was repealed ('05 ch.139) and an act passed in its stead providing for state aid in Newcastle county. The appointment of a Newcastle county highway commissioner, experts, and other assistants is provided for. The Commissioner is to investigate the best methods of construction and maintenance, to prepare plans and specifications required by the levy court and to superintend the construction of roads built under this act. One half the cost of these roads is to be paid by the state, the other half by the county.

An act was passed requiring the registration of motor vehicles and limiting the speed to 1 mile in 7 minutes in built-up portions of cities or towns and 1 mile in 3 minutes elsewhere. Nonresidents may remain in the state 48 hours without having to register. The registration fee is \$2 and the license number must be displayed on the machine.

Florida. A motor vehicle law was adopted providing that owners as well as chauffeurs must register, for each of which a fee of \$2 is charged. Speed of motor vehicles must be reasonable and proper. Boards of county commissioners may designate roads for speed contests. Another act provided that in counties where hard roads have been built or may hereafter be built, two-horse vehicles shall have tires not less than 4 inches wide; four-horse vehicles shall have tires 6 inches wide; but where such vehicles are used to haul heavy loads the width of tires shall be 7 inches. Those violating the law are guilty of misdemeanor. A third act provided that road overseers may take materials for roads and summon a jury to fix the value of same.

Idaho. An act approved March 8, 1905, provides for the construction of a system of wagon roads and trails in the mountain regions and for the appointment of an intermountain wagon road commission, to consist of three persons, of which the Governor shall be ex officio member and chairman. Roads constructed according to this act are to be maintained by the counties in which they are located.

Illinois. An act approved May 18, 1905, provides for the establishment of a state highway commission composed of three persons to hold office for two years. This Commission is to investigate and carry on experimental work in road building, to determine the best and most economical methods on road construction, and to advise with local officials relative to the construction and maintenance of roads and bridges. The Commissioners are to receive no compensation, but their expenses are to be paid. The Commission is authorized to appoint a state engineer who is to receive a reasonable salary and actual traveling expenses. Clerical and other assistance is also provided for. The sum of \$25,000 a year was appropriated to carry out the provisions of the act.

Indiana. Boards of county commissioners are authorized to improve roads within their counties upon petition of a majority of the adult resident landowners. The commissioners are required to appoint a superintendent under whose direction said roads are to be built, the work to be done by contract. The cost of the roads is to be assessed on all lands in proportion to the benefit derived from the improvement. Bonds may be issued to cover the cost of such roads provided the landowners agree to pay the same in 10 yearly instalments, with interest at 6%.

Section 65 provides that upon petition of 50 or more freeholders and voters of any township, the boards of supervisors of the counties are authorized to establish or improve any road within the township. The appointment of a competent civil engineer and two viewers to pass upon the advisability of the improvement and to prepare plans, specifications and estimates of the same is provided for. Upon the approval of said plans and specifications by the board of commissioners, an election is to be held at each voting place in the township to determine whether the proposed road shall be built. The work is to be done by contract and to be paid for out of money received from the sale of bonds, payable in not less than 10 nor more than 20 years. The board of commissioners is authorized to levy a special tax upon all the property in the township, including cities of 30,000 inhabitants or less, to pay the interest and principal. It is also authorized to employ a competent superintendent to supervise the construction of such roads. Bonds or other evidences of indebtedness are not to be issued for any purpose in excess of 4% of the total assessed valuation of the township in which roads are located.

Section 85 provides that the commissioners of each county constitute a board of directors for all free and improved roads, under whose management and control all such roads are placed. The county auditor is to be the clerk of such board and is to keep all records and books thereof. The board of directors is to divide all improved roads in the county into three equal districts, each of such districts to be in charge of one director, who is to employ all labor and make all contracts necessary in the improvement and repair of roads in his district which the board may authorize. The director may divide the improved roads in his district into sections of not less than 10 nor more than 15 miles and appoint one superintendent for each district, who shall have charge of the maintenance of the roads in his division. In counties which have free gravel or macadamized roads maintained under the commissioners acting as a board of directors, the board is authorized to levy an annual tax on all property in the county for the repair of such roads, of not to exceed 1 cent on each \$100 of taxable property for every 10 miles of free gravel or macadamized road in the county.

Section 91 provides for the election of one supervisor in every township, who shall hold office for two years and shall carry into effect all orders of the trustees regarding the repair of all highways and bridges in his township, and call out all persons liable to work on highways, superintend labor thereon, etc.

All able-bodied male persons between 21 and 50 are required either to perform not less than two nor more than four days' labor upon the roads each year under the direction of the supervisor, or furnish a substitute, or pay in lieu thereof \$1.50 for each day that he is required to perform road duty.

Section 110 provides that the township advisory board shall levy a tax of not more than 30 cents on each \$100 of real and personal property in each township outside of cities and towns, and that the township trustee may, with the consent of the township advisory board, levy an additional tax of not to exceed 10 cents on each \$100 valuation, to be expended for the repair of roads, bridges and culverts. Roads and bridges built under this section are to be by contract and the work is to be done by order of the trustee.

An act approved March 6, 1905, provides that motor vehicles be registered and numbered. Machines are to be supplied with brakes and signals and are to be operated at a speed not greater

than 8 miles an hour in business sections of cities, nor more than 15 miles an hour in other portions of municipalities, nor more than 20 miles an hour elsewhere.

Kansas. An act approved March 1, 1905, provides that the township board, consisting of the trustee, clerk and treasurer of each municipal township in the state, be made commissioners of roads and highways of their respective townships, and that all roads are to be under their control except those located in cities of more than 600 inhabitants. The commissioners are authorized to appoint one or more road overseers who are to serve two years and receive \$2 a day for time actually employed. The commissioners are empowered to let by contract any road work. A levy of not more than 5 mills on \$1 on all the property in the township is provided for out of which to pay for the construction and maintenance of roads and bridges, such tax to be paid in cash unless the commissioners agree that it may be worked out.

Maine. An act approved March 24, 1905, provides for the appointment by the Governor of a commissioner of highways who shall be a civil engineer, and who is to receive an annual salary of \$2500. Actual traveling expenses, assistants and clerks are also provided for. The commissioner is to compile statistics and make investigations regarding the improvement of the highways of the state and to disseminate information regarding the best and most economical methods of building and maintaining roads and bridges. An act approved March 4, 1905, provides that towns may receive from the state one half of the amount actually expended in the permanent improvement of state roads, not exceeding \$300 a year. This aid is not to be extended to any town unless it has expended at least \$100 exclusive of and in addition to the amount regularly raised in such town for highways or bridges, and not until the county commissioners shall have inspected the roads so improved and certified to the Governor and council the sum which the said town is entitled to receive from the state.

An act approved March 24, 1905, provides that automobiles shall be registered with the Secretary of State, for which a fee of \$2 is charged. The Secretary of State furnishes a plate to be displayed on back of machine, bearing the number of the machine and the name of the state. Upon the sale of any automobile its registration expires.

Massachusetts. An act approved April 20, 1905, provides that upon transfer of ownership of a motor vehicle its registration shall expire and that the person in whose name it is registered shall return certificate of registration to the Massachusetts Highway Commission. This act also provides that nonresident owners of automobiles who have complied with the laws of their own state may operate their machines in Massachusetts for a period not to exceed 15 days without complying with the motor vehicle law of the state. Manufacturers or dealers in automobiles are required to obtain certificates of registration and to display numbers assigned to them by the commission. Penalties for violation are fixed at \$100 or imprisonment for 10 days or both. Cities and towns may make special regulations as to speed of automobiles on particular roads, including their complete exclusion therefrom.

Michigan. An amendment to the Constitution provides for state aid in the improvement of public roads. A state highway department was created ('05 ch.146) by the appointment of a commissioner and assistants, whose functions are to instruct, to inspect and to reward. A system of rewards by the state was inaugurated, to be paid to townships and counties which build gravel or macadam roads—\$250, \$500, \$750 and \$1000 a mile according to the kind of road built, when the same has been approved by the State Highway Commissioner.

Motor vehicles ('05 ch.196) shall be registered and provided with lamps, and shall not be operated at a speed greater than 25 miles an hour and 8 miles an hour within the corporate limits of cities and villages, the fine not to exceed \$25 or imprisonment not to exceed 10 days.

Minnesota. Section 16 of article 9 of the Constitution was amended by changing the annual tax levy for improving roads and bridges from one twentieth of a mill to one fourth of a mill on all taxable property. A state highway commission of three members ('05 ch.163) was provided for, to serve without compensation. A state engineer with salary of \$1800 a year shall act as secretary of the commission. In all counties having a population of 150,000 or more ('05 ch.151) all road taxes are to be paid in cash. The electors of the towns may authorize ('05 ch.64) the issuance of bonds for road improvement. Such bonds shall be payable within 20 years from the date of issue and shall not bear more than 6% interest.

Missouri. An act of 1905 amending article 13, chapter 151 of the revised statutes of 1899 provides for the division of counties into road districts with the same boundaries as school districts, with a road overseer to be elected annually from each district. The president and the clerk of the school board with the road overseer constitute the board of road commissioners of each district. All able-bodied male inhabitants between 21 and 50 must pay a poll tax in money or labor at certain fixed rates. The county courts shall levy annually a tax of not less than 5 or more than 20 cents on \$100 of real and personal property. In all counties ('05 p.279) containing 120,000 and less than 175,000 inhabitants, the office of supervisor of roads and road overseers is created for a term of two years at \$1800 a year. In all counties ('05 p.143) having a population of more than 150,000 and less than 400,000 inhabitants, the county court shall annually set apart from the road fund derived from licensing dram shops a sum sufficient to keep all the macadamized roads in said county in good repair.

Montana. Motor vehicles ('05 ch.101) must not be operated on the public highways at a greater speed than 20 miles an hour, or within the limits of cities at more than 8 miles an hour. Any violation of this act is punishable by fine not exceeding \$100 or imprisonment for a term not exceeding 60 days or both.

Nebraska. Motor vehicles ('05 ch.129) must be registered, numbered and provided with brakes, signals and lights, and limited to specified rates of speed. The violation of the provisions of this act is made punishable by a fine not exceeding \$25.

New Hampshire. An act approved February 24, 1905, provides for state aid in road improvement. The Governor and council are authorized to appoint and fix the compensation of a state engineer and assistant. Section 3 provides that towns and counties shall set apart certain amounts for permanent improvement of highways, varying inversely as the assessed valuation of property from 25 cents to \$1 on each \$1000 of valuation. Section 4 provides that if any city, town or place desires aid it shall set apart an additional sum equal to 50% of the amount as above assessed. The Governor and council are empowered to apportion to places desiring state aid amounts varying from 20 cents to \$3 for each \$1 as assessed in section 3 and raised for state aid, the proportion increasing inversely as the assessed valuation of property. Upon application of any town or place the Governor may furnish free of charge the services of an engineer for consultation and advice on road matters. All work paid for out of joint funds shall be under specifications

issued by the Governor and council and shall be done by contract. All highways made by means of the joint funds shall be maintained by the city, town or place in which located, in default of which repairs will be made under the direction of the Governor and council at the expense of the state and the cost added to the state tax for that town or place for the next year. Section 10 appropriates \$125,000 annually for six years for the permanent improvement of highways, amounts not used in any one year to be cumulative. The state highways shall be constructed and maintained and all necessary changes shall be made under the direction of the Governor and council, the expenses to be paid out of the money appropriated by the state under this act. The Governor and council shall have surveys and plans made for all state highways deposited with the Secretary of State.

New Jersey. An act approved March 27, 1905, authorized the Board of Chosen Freeholders of any county to permanently improve roads. They may require the townships through which the road runs to pay 10% of the cost of improvement and cause surveys and plans to be made which shall be approved by them and the State Highway Commissioner. One third of the cost of such roads is to be paid by the state. The state aid for any one year is limited by law to \$400,000, to be apportioned among the counties by the Governor and State Highway Commissioner. The county expenditures for such roads are limited to one half of 1% of the ratables of the county. The appointment by the State Commissioner of a county supervisor to take charge of the work done under this act is provided for. The Boards of Freeholders may issue bonds for two thirds of the estimated cost of the work, which may run from 6 to 30 years with interest at the rate of 5%. Roads constructed under this act must be maintained by the Boards of Freeholders of the counties under the direction of the county supervisor.

A commission of five citizens was appointed (joint resolution no. 2) by the Governor to investigate toll roads of the state with the view of converting them into free public roads. The purchase of toll roads was provided for by Boards of Freeholders subject to approval of the State Commissioner of Public Roads ('05 ch. 173). The municipality in which the road is located may be required to pay 10% of the cost of the part of the road lying within its boundaries. One third is to be paid for by the state provided that the amount so paid shall not exceed \$50,000 in any one year.

The motor vehicle law was amended ('05 ch.250). The act requires registration and a general license number for manufacturers and dealers, the license number to be displayed on front and back of machines; it provides also for lamps, brakes and signals. The maximum speed limit is 1 mile in three minutes. Various fines are imposed for violations.

New Mexico. The board of county commissioners may alter or establish any road upon petition of 10 resident freeholders ('05 ch.124). Three viewers may be appointed by the county commissioners to lay out roads, who may receive \$5 a day. All public highways hereafter laid out shall be 60 feet wide. All bridge work in excess of \$300 shall be let by contract. The board of county commissioners shall divide their county into road districts and appoint a road overseer for each. Every able-bodied man between 21 and 60 residing outside an incorporated town shall pay to the road overseer a tax of \$3 or shall labor on the roads three days.

New York. The Legislature passed a constitutional amendment providing that the state may bond itself for \$50,000,000, \$5,000,000 of which is to be available each year for 10 years for the improvement of public roads. This was ratified by the people at the November elections. The counties are to pay not more than 35% and the towns 15% of the cost of highways built with this money. An act ('05 ch.108) amended the highway law in relation to working the highways so that a town which has adopted the money system can not again vote upon the question of changing its system of taxation until four years have elapsed. The office of highway commissioner may be abolished ('05 ch.209) in towns of more than 2 square miles and less than 14 square miles in area.

North Carolina. County commissioners are empowered to regulate the speed of motor vehicles ('05 ch.331) and make necessary ordinances governing them. The penalty for violation is not to exceed \$50 or imprisonment not to exceed 30 days.

North Dakota. An act approved March 9 provides that the township supervisors in the various counties shall have charge of all roads and bridges. They are to divide the townships into road districts and to assign to each district such inhabitants as are required to perform road duty. They are also required to inspect roads during May of each year and make plans and specifications for all new roads, bridges and culverts and to make a detailed report to the annual township meeting of all road work done.

On March 11, 1905, an act was passed providing for the levy of a road tax of not less than 1 mill on the dollar on all property in counties having a population of 2000 or more. In organized town-

ships funds derived from this tax are to be expended under the direction of township boards of supervisors, but where township organizations do not exist the funds are to be expended by the county commissioners. A third act provides for the purchase or sale of road-building machinery by the township boards. A fourth act limits the speed of automobiles to 8 miles an hour in cities and towns and 25 miles an hour on the country roads. This law also provides that automobiles must have lights and signals and that drivers must stop their machines on country roads when requested to do so by the drivers of vehicles drawn by animals. Fines for violation of this act are fixed at not less than \$10 nor more than \$50.

Oklahoma. On March 10, 1905, an act was approved which provides that the voters of counties may decide at the polls whether the system of county supervision of highways shall be adopted. If this system is adopted the board of county supervisors shall divide the county into road districts, no district to be less than 36 square miles in area nor to have a population of over 5000. A county engineer is to be elected who is also to serve as county surveyor. The county engineer shall have supervision of the construction of all roads and bridges in the county and is to submit a quarterly report to the board of county commissioners. The board of supervisors shall appoint upon the recommendation of the county engineer a road supervisor for each road district, whose duty shall be to direct personally the construction or maintenance of roads in his district and keep a record of all matters connected therewith, and to report in writing to the county engineer at least once a month.

A tax of not to exceed 5 mills on the dollar may be levied by the county commissioners for the purpose of carrying out this law. Such tax may be worked out at the rate of \$1.50 a day and one half of the funds so raised shall be expended by the board of county commissioners and the other half by the townships from which it was collected. An additional tax of 4 mills on the dollar may be levied by the board of county commissioners for bridges. Any work done under this act may, at the discretion of the board of county commissioners, be let by contract provided the same is done in accordance with the plans of the county engineer.

Oregon. An act approved February 10, 1905, authorizes the county courts to permit the building of experimental roads in the various counties by the United States government under such terms and conditions as such courts may deem just and proper.

Another act provides for the registration and numbering of automobiles, and that they shall be supplied with lights, brakes and signals, and that their speed shall be limited to 8 miles an hour in cities and 1 mile in two and one half minutes on country roads. The provisions of this act do not apply to nonresidents who have complied with the motor vehicle laws of their own state.

The Legislature of 1905 passed a general act authorizing the county courts to lay out, construct, relocate and maintain roads, such work to be done by contract under the direction of the road-master of the county, or such other competent person as may be appointed for the purpose by the county court. The roads are to be paid for in 10 annual instalments by an assessment on all abutting property within 2 miles of the roads in proportion to the benefits accruing to such property. Materials for roads may be secured by condemnation.

Pennsylvania. An act approved May 1, 1905 (ch.220) provides for the establishment of a state highway department, consisting of one commissioner at \$5000 a year, one assistant commissioner at \$3000 a year, six civil engineers at \$2000 each a year, draughtsmen, clerks, stenographers etc. A system of cooperative road building between the state, the counties, the townships and in some cases the boroughs, is provided for; 75% of the cost of the roads to be paid by the state, 12½% by the county and 12½% by the township. The state aid fund is apportioned among the counties or townships in proportion to road mileage. County roads, when improved according to the standard fixed by the State Highway Department, may receive the same aid from the state as state highways. All state aid work is to be done by contract. Ten per cent of all state aid funds are to be used for maintenance of state highways and such other improved roads as have been built according to the standard state specifications. This aid is distributed in proportion to the mileage of said improved roads, but must not exceed one half of the annual cost of maintenance. To pay the state's share for the construction and maintenance of these roads \$6,356,232.47 was appropriated: \$856,232.47 for 1905, \$1,250,000 for 1906, \$1,250,000 for 1907, \$1,500,000 for 1908 and \$1,500,000 for 1909. The townships' share is to be paid for by a special cash levy or by the issuance of bonds provided for by law.

An act approved April 10, 1905, provides that the State Highway Department shall repair that portion of the old Cumberland road which lies within the state and that no tolls shall hereafter be collected thereon. An appropriation of \$100,000 was made for the purpose.

A general township law was passed ('05 ch.107) which provides for the election of three road supervisors in each township, one to be elected each year, so as to have a continuous board. The supervisors receive no salary, but their necessary expenses are paid. A road tax of not to exceed 10 mills on the dollar shall be annually levied by the supervisors. This tax may be increased to 10 additional mills if the same is ordered by the Court of Quarter Sessions and recommended by all the supervisors. Supervisors are also required to assess a tax of \$1 upon every taxable. In townships which abolish the working out of the road tax and require the same to be paid in cash the state agrees to pay as a bonus 15% of the amount so collected. Supervisors are required to divide the townships into road districts of not less than 5 miles of road to each district and to employ a roadmaster, whose duty shall be to work the roads himself and to oversee all road work in his district according to plans and specifications of supervisors. Supervisors are required to keep records and furnish annual statements of their accounts to the township auditors and to report annually expenditures for construction and repairs, mileage etc., to the State Highway Department.

Motor vehicles ('05 ch.159) must be licensed, registered, provided with tags, lights, brakes and signals. A fee of \$3 which is used by the State Highway Department is charged for the license. The speed limit is fixed at 1 mile in six minutes in cities and boroughs and 1 mile in three minutes on country roads.

South Dakota. Motor vehicles ('05 ch.137) must be registered, numbered and provided with brakes, signals and lamps. The speed limit is fixed at 1 mile in six minutes in cities and 20 miles an hour elsewhere. Nonresidents are not required to register provided they have complied with the motor vehicle laws of their own state.

South Carolina. A constitutional amendment which provides that "The General Assembly may enact local or special laws concerning the laying out, opening, altering or working roads or highways, and concerning the providing for the age at which citizens shall be subject to road duty, and concerning drainage," was ratified February 18, 1905.

An act approved February 22, 1905, provides that all able-bodied male residents of certain ages, unless by law exempt, are required to work a given number of days on the public roads. The ages between which citizens are required to perform road duties and the number of days each is required to work a year

varies in the different counties. A commutation tax, varying in the different counties from \$1 to \$2, may be paid in lieu of such labor.

An act approved March 7, 1905, provides that motor vehicles be supplied with brakes, signals and lights, and that the speed limit on bridges, sharp curves, steep descents etc., shall not be greater than 6 miles an hour, and at other places not greater than is reasonable and proper.

Tennessee. Automobiles must be registered ('05 ch.173), numbered and supplied with the usual appurtenances. The rate of speed shall not be greater than 20 miles an hour on streets or highways. Local authorities are authorized to prescribe lower maximum rates of speed within corporate limits of towns.

Washington. The appointment of a state highway commissioner was provided for ('05 ch.174) at a salary of \$2500 a year. He is to have charge of the laying out, construction and maintenance of state highways. The sum of \$10,000 is appropriated to pay the salary and expenses of the Highway Commissioner. An additional sum of \$10,000 is appropriated for the purpose of building roads in Okanogan and Whatcom counties.

Another act which passed the House January 24, and the Senate January 26, 1905, over the Governor's veto, provides for the establishment and repair of certain state highways. A state highway board, consisting of the State Auditor, State Treasurer and Highway Commissioner, was also created. One half the cost of roads built by the State Highway Commissioner is to be paid by the state and one half by the counties.

Another act approved March 9, 1905, provides for the levy of one fourth of 1 mill state tax for road purposes. Motor vehicles must be registered annually ('05 ch.154) and supplied with signals, lamps and brakes. The rate of speed must not be greater than 1 mile in five minutes in villages or cities and 1 mile in two and one half minutes elsewhere.

Wisconsin. An act approved May 16, 1905, provides that counties may pay one half of the cost of permanent roads built in the various townships, provided the same be constructed according to certain standards stated in the bill. The funds for this purpose are to be provided by a levy upon all taxable property in the county.

Automobiles must be registered ('05 ch.305) numbered and supplied with brakes, lamps and signals. The limit of speed is fixed at 12 miles an hour in cities and villages and 25 miles an hour on country roads.

TRANSPORTATION AND COMMUNICATION¹

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The legislation of 1905 relating to transportation and communication was unusual in amount and in importance. Of the 238 statutes classed under this head 154 related primarily to railroads; 34 to electric railways, 3 to express companies, 3 to canals, 1 to ferries, 27 to bridges, and 16 to telegraph and telephone companies. A large number of these acts are of primarily local interest or of relatively little importance, many being for the purpose of filling gaps in existing statutes or of stating more definitely the intention of such statutes. Others merely fit existing laws to new conditions, such as those brought about by the development of suburban and interurban electric transportation and of the long-distance telephone. Eliminating all such, however, there still remains a considerable body of important legislation the dominant characteristic of which is the exercise of the power of public control over such matters as rates, services and provisions for the safety of travel. Without presuming to pass judgment on the wisdom of any particular regulation, the statement may be hazarded that the past experience of the various states in railroad regulation has borne fruit in a more definite comprehension of the precise ends to be achieved by such legislation and a more careful planning of the means of attaining such ends. The legislation of the year, taken as a whole, shows a marked tendency towards greater uniformity in the laws of the various states.

Railroads

Commissions. First in importance is the legislation relating to state railroad commissions. Nebraska ('05 ch.233) provided that at the general election of November 1906 a constitutional amendment providing for a state railway commission shall be submitted to the electors. The proposed commission is to consist of three

¹ See also Governors Messages and Index of Legislation, 1209.

members, to be elected first at the general election in 1906, the term of office to be six years, and the powers and duties to include "the regulation of rates, services, and the general control of common carriers." The proposed commission may be regarded as succeeding the Nebraska Board of Transportation, composed of five state officers, which was abolished in 1901 on account of a decision of the Supreme Court of the state (60 Neb. 741) declaring that the act creating the board had not been passed in a constitutional manner. Kansas ('05 ch.340) thoroughly revised the statutes ('01 ch.286; '03 ch.391) prescribing the organization and powers of the Board of Railroad Commissioners. The Governor (instead of the Executive Council) is now empowered to fill vacancies in the elective board and to approve the security for the bond of each commissioner. The office of attorney to the board is created, the occupant being appointed by the Governor. His duty is to prosecute and defend in the name of the state all suits and proceedings in connection with the acts of the board and on behalf of parties complaining of unjust discrimination or other violation of the act. This office is a new departure in administrative procedure; other state commissions with rate-making powers are generally authorized to call upon the Attorney General or other state's attorneys to prosecute suits for them. The provision that this officer is to represent the complainants at the hearings of the board seems to emphasize the inquisitorial rather than the judicial functions of that body. The act also makes important changes in the provisions for court review, in the definitions of discrimination, and in the penalties for violation of the act.

Railroad commissions were created in Indiana ('05 ch.53), Washington ('05 ch.81) and Wisconsin ('05 ch.362). Neither Indiana nor Washington previously had a railroad commission. In Wisconsin the new commission displaces a railroad commissioner with limited powers, an office which had existed since 1870. Each of the new commissions consists of three persons, appointed by the Governor, who has also the power of removal. In this particular these statutes show a healthy reaction from a recent tendency towards elective commissions. The term of office is six years in Washington and Wisconsin and four years in Indiana, the members retiring successively. The three statutes agree in the provision that the commissioners shall not hold any other office; Washington and Wisconsin provide that they shall not be pecuniarily interested in any railroad (Washington also specifies express companies); one of the Wisconsin commissioners must have a "general knowledge

of railroad law" and the other two must have a "general understanding of matters relating to railroad transportation." The powers of all three commissions extend over steam railroads and express companies. In addition the Indiana statute specifically includes private car lines, fast freight lines, private tracks (operated in connection with a railroad) and all "common carriers on any railroad" in the state, but exempts street and interurban railroads except as to the supervision of the commission over crossings with railroads. The Wisconsin law adds car companies, freight and freight line companies, other common carriers over any railroad in the state, and private tracks in so far as they are used by common carriers; and exempts street and electric railroads engaged solely in passenger transportation within the limits of cities, and logging or other private railways not doing business as common carriers. The most important power granted to the commissions is that over rates and classifications. It is significant that none of these statutes imposes the duty of framing a comprehensive classification of freight and schedule of rates for the railroads in the state, but that each commission has the more elastic power of altering particular rates or classifications. Such alterations are to be made in each case after an investigation and hearing, instituted (in Washington and Wisconsin) upon complaint or at the initiative of the commission. The Indiana law is weakened by the provision that the hearing may be instituted only upon complaint of a person or corporation "injuriously affected." Each commission is empowered to adopt its own procedure (with the provision in each case that the hearings shall be open), to issue subpoenas for the attendance of witnesses and the production of books and other documents (enforceable through judicial order). Notice of the hearing must be given to the carriers affected (Indiana, 20 days; Washington, 30 days; Wisconsin, 10 days). The rates fixed by the commission become operative 20 days (in Indiana a longer period may be fixed by the commission) after the service of the order upon the carriers. Each of the laws provides for an appeal from the findings of the commissions to the courts. The carrier or other party in interest may, not later than 90 days after the recording of the commission's action, appeal from the findings of the Indiana commission to the Appellate Court, the cause to be heard and determined upon a transcript of the record of the commission's hearing. The court, whose decision is final, may affirm, change or set aside the action of the commission. In Washington an action in review may be taken by the carrier,

not later than 20 days after notice of the order, to the Superior Court of the state in the county in which the hearing before the commission was held; from this judgment appeal may be taken to the Supreme Court of the state. A dissatisfied complainant may appeal within 30 days after the decision of the commission to the Superior Court, which shall try the point complained of *de novo*. By the Wisconsin law the railroad or other party in interest is empowered to commence action in the Circuit Court (no time limit being set) against the commission, to vacate an amended rate or classification alleged to be unreasonable. If new evidence is introduced in the court hearing the commission may alter or rescind its order; if altered, the amended order takes the place of the original order in the court hearing. An appeal to the Supreme Court may be taken within 60 days by either party to the action. In each of the statutes under consideration it is provided that appeals from the decisions of the commission shall take precedence of all other civil causes pending in the courts. In Wisconsin the rates fixed by the commission remain in force until found unreasonable in an action of the kind specified. In Washington the court may, pending review, suspend the order of the commission, in which case a bond to cover damages, penalties and possible excess charges is required of the carrier. In Indiana the carrier is allowed to file bond to cover damages, penalties and overcharges; receipts being given to shippers for payments under the rate in dispute, these receipts becoming collectable for excess charges 30 days after the decision of the court. Each law provides that the rates established by the commission shall be regarded as *prima facie* reasonable and just, unless set aside by a court in an action of the kind specified.

The powers of the commissions extend to other matters, specifically mentioned in each law, but including in general such things as car service, demurrage, trackage etc. In the Washington law emphasis is placed on the regulation of station facilities. The new Indiana board succeeds to the supervisory power over crossings formerly vested in the Auditor of State. In each state the commission has power to institute and apportion joint rates, though in Indiana the commission has power to institute such rates only when the railroads fail to do so. In each case the commission is authorized to investigate interstate rates (in Indiana only on complaint) and to notify carriers of violations of the interstate commerce law. In case such notification is not acted upon by the carriers the state commission is to apply to the Interstate Commerce

Commission for relief. Upon the Washington commission is placed the duty of ascertaining the cost of construction and equipment of each mile of railroad in the state; the same commission is also empowered to investigate the salaries and wages paid by railway and express companies. The Wisconsin law gives the commission the task of ascertaining the construction and reconstruction costs of the various roads, together with other pertinent financial statistics. The information thus obtained is to be printed in the annual reports of these commissions, which may also contain other statistical information. The Wisconsin law wisely provides that the blanks used by the commission in securing this information shall adhere as nearly as practicable to the forms of the Interstate Commerce Commission. In each case the railroads are compelled to furnish the desired information, and the commission is empowered to inspect the books and papers of the railroads, as well as to compel their production at any time and at any place within the state. The Indiana commission is also authorized to issue an annual report, but the law contains no specific provision for the collection of statistics. An older Indiana law requires railroads to report receipts and expenditures annually to the state auditor (R. S. '97 §5432). Finally, each commission is empowered to enforce all of the laws of the respective states relating to railroads.

In addition to the clauses relating to the Constitution and powers of the commission, each statute contains important provisions of a restrictive nature. The most important of these relate to discriminations in rates. The Indiana law prohibits rebates, special rates and discriminations, including under the last caption undue or unreasonable preference or advantage, failure to receive or transport without unreasonable delay or discrimination, discrimination between companies in the use of terminal facilities, charging more for the long than for the short haul (unless authorized by the commission). The Washington law, in prohibiting discrimination, specifically includes rebates, undue preference or undue disadvantage in rates or services to any person or locality. This statute also contains a long and short haul clause, subject to exceptions at the order of the commission. The Wisconsin statute prohibits rebates and other methods of giving undue or unreasonable preference to particular shippers, but does not contain a long and short haul clause. Each of the statutes imposes penalties for discriminations upon both the corporation and its agents, and the Indiana and Wisconsin laws impose penalties upon the party receiving the rebate or other favor.

A number of special statutes attach additional functions to commissions already in existence. In addition to the general revision of the Kansas commission law, described above, the Board of Railroad Commissioners of that state was directed ('05 ch.540) to investigate the charges made by railroads in Kansas as compared with charges in Missouri, Iowa, Nebraska and Texas, and to report to the Governor within six months. The Kansas board is empowered by another statute ('05 ch.351) to order, upon complaint and investigation, the construction of side tracks and switches for the use of mills or elevators situated on land abutting on the right of way of any railroad and within $\frac{1}{4}$ mile of a way station. The Minnesota commission is empowered ('05 ch.279) to prosecute on behalf of the state and at the expense of the state any violations of the Interstate Commerce Law they may deem of public interest, and to order ('05 ch.280) the maintenance of safety devices at crossings of railroads with city and village streets. By another Minnesota statute ('05 ch.176) railroads are prohibited from making any change in their schedules of rates without the consent of the commission, such consent to be granted only after a hearing (except in the case of emergency rates). This is an adoption of a suggestion in the message of Governor Van Sant, of January 4, 1905. The same statute imposes upon the commission the specific duty of keeping itself informed as to the practice of granting rebates. Georgia ('05 p.120) empowered its commission to regulate the receiving, forwarding and delivery of freight, a penalty being provided for the failure of the carrier to comply with such rules as the commission may make on this subject. New York ('05 ch.728) increased the membership of the Board of Railroad Commissioners from three to five. The Railroad and Warehouse Commission of Missouri were given ('05 p.104, 108) additional powers and duties with reference to train service and time cards, and were empowered ('05 p.113) to determine the cases in which the amount of business tendered a road at local points justifies the installation of a freight agent. California ('05 ch.423) amended that part of its railroad commission law which relates to the service, publication and time of taking effect of rates fixed by the Board of Railroad Commissioners. The Illinois Railroad and Warehouse Commission was given new powers in connection with the administration of the new Illinois safety appliance law (described below). Minnesota ('05 ch.122) requires all wrecks and casualties, and South Carolina ('05 ch.419) requires all casualties to be reported to their respective commissions. Oregon, which

abolished its Board of Railway Commissioners in 1898, has now constituted ('05 ch.225) the Governor, Secretary of State and State Treasurer an ex officio board of arbitration, with power to determine and apportion joint rates in case of the failure of the roads concerned to agree.

The present status of state railway commissions in the United States and the changes made by the legislation of the year are indicated in the following table:

	1904	1905
Number of commissions.....	31	33
Possessing power over rates.....	21	24
Appointed by governor.....	11	13
More than one member.....	25	28

Rates. Charges. Weights. Notwithstanding the generally unsatisfactory experience of American states with the fixing of maximum freight rates by legislative enactment, several such laws were passed during the year. Kansas ('05 ch.353) established a schedule for the rates on illuminating oil, gasoline, fuel oil and crude petroleum in cans, barrels, tanks or tank cars. The rates are identical for the various kinds of oil mentioned, as well as for the various packages, with the exception that the rate on oil carried in tank cars is figured by the maximum capacity of the car, while on the smaller packages the rate is computed on the weight of package and contents. Otherwise the schedule provides for a closely graduated distance tariff, varying from 2.5 cents a hundredweight for less than 6 miles to 16.5 cents for over 550 miles. For distances less than 250 miles joint rates are slightly more than single line rates. Missouri ('05 p.102) substituted for a former section (R. S. '99 §1194) of her laws relating to freight rates three new sections, containing maximum rates for six classes of freight in car-load lots, graduated according to distance and size of car. Another statute ('05 p.104) added another section fixing the maximum charge for carrying undressed stone, crushed rock, sand, and building or paving brick in car-load lots at 45 cents a ton for the first 10 miles, 20 cents a ton for the second 10 miles, and 5 cents a ton for each additional 10 miles. Two Washington statutes relate to the determination of the weights on which charges for transporting lumber shall be based. One of these ('05 ch.124) provides that the various appliances used in equipping cars for the carrying of lumber shall be considered part of the car, and that 1000 pounds shall accordingly

be deducted from the net weight. The other statute ('05 ch.126) gives force to the above by requiring that all cars loaded with lumber shall be weighed at some common point within the state.

Car service. Demurrage and storage charges. Kansas ('05 ch. 345), Missouri ('05 p.109) and Oklahoma ('05 ch.10 art.2) passed laws similar in purport and general character, as well as in the more important details. The Kansas law amends and enlarges an earlier statute (G. S. '01 §5982); the other two statutes replace rules and regulations of the Railroad and Warehouse Commissioners of Missouri and Oklahoma. In each case the penalty imposed upon carriers for failure to furnish cars within the time after the request of the shipper specified by the statute; for failure to ship promptly or to carry forward shipments at less than the prescribed speed (50 miles a day in Kansas, 60 in Missouri and Oklahoma); for failure to notify consignee on arrival, as well as for failure to place cars promptly at an accessible place for unloading, is fixed at \$1 a day per car. The demurrage charged the shipper or consignee for failure to load or unload promptly is also fixed by each statute at \$1 a day per car. Similar provisions are made, where applicable, with reference to package freight. North Carolina ('05 ch.545) fixed the penalty for delay in transporting goods received for shipment at \$25 for the first day and \$5 for each succeeding day for car-load lots, and at half these amounts for less than car-load lots.

Discriminations. Minnesota ('05 ch.177) declared the granting or receiving of rebates or other favors unlawful and provided penalties for both carrier and shipper. A Nebraska statute ('05 ch.105) states that railroad companies shall give equal facilities in the way of elevator service, sidetracks and switches, and supply of cars, to all shippers of grain; equal facilities are also to be given to all parties desiring to erect or operate grain elevators of not less than 15,000 bushels capacity. Penalties are imposed upon railroad and shipper for violation of the law. Certain provisions of the railway commission laws of Indiana, Kansas, Washington and Wisconsin, as previously noted, forbid discrimination.

Train Service. Connections. Missouri ('05 p.101) has eliminated a provision of the law requiring reasonable passenger connections (R. S. '99 §1210) which confined its application to "competing companies." North Dakota ('05 ch.152) exempted lines of less than 25 miles and all new lines for a period of five years from the requirement of the operation of daily trains. Oregon ('05 ch.225) authorizes any road to construct connections to any station sidetrack of another road and requires through traffic arrangements. Maine

('05 ch.127) amended its law relating to railroad branch tracks (R. S. ch.51) so as to authorize the construction of branch tracks to any station of another company. California ('05 ch.423) provides for forfeiture of charter for lapse of six months in operation, operation being defined as the movement of one train a day with passenger facilities. Roads above the 5000 foot level are exempted from this requirement for the period from October 15 to May 15. Nor is a road compelled to operate when the total earnings from operation, including branch and trunk lines, are less than the operating and maintenance costs. The railroad commission is empowered to determine the existence of this last condition.

Stations. Minnesota ('05 ch.208), Missouri ('05 p.107), Nebraska ('05 ch.108) and Texas ('05 ch.133) required the provision of specified facilities at stations, including toilet rooms (Minnesota, Nebraska, Texas) and heating and lighting (Missouri, Nebraska). The Nebraska statute also provides that all local passenger trains shall stop at all stations. Another Minnesota statute ('05 ch.287) requires that the time of the arrival of passenger trains be bulletined at each station. Of a different nature is a Montana statute ('05 ch.26) which compels railways to maintain facilities for passengers and for the shipment and delivery of freight wherever there is a platted town site of record having not less than 100 inhabitants. In this connection also may be mentioned a curious Oklahoma law ('05 ch.10 art.4) to the effect that railways to be built or surveyed in the future are prohibited from building within 3 miles of a county seat, unless they pass through it and establish depot facilities.

Industrial sidetracks. By the terms of a Kansas statute ('05 ch. 350) persons desiring to erect or having erected elevators or flouring mills of specified minimum capacity, situated not more than one fourth of a mile from a regular way station, may request the terms and conditions on which the railroad company will construct and operate a sidetrack. The railroad has the option of proffering another site upon its right of way. In either case, if the parties fail to come to terms, the matter is adjudicated by the Board of Railroad Commissioners. This act is distinct from the one ('05 ch.351) mentioned above, conferring upon the board the power to order the construction of industrial sidetracks. South Carolina ('05 ch.480) requires railroad companies, upon request, to construct sidetracks to establishments situated within one half mile from the lines, the only alternative being proof to the State Railroad Commission that the necessity for such sidetrack does not exist. The cost of construction is to be met by the establish-

ment benefited, but this is to be refunded by the deduction of 20% from its freight bills until the entire cost is thus repaid. Wisconsin ('05 ch.386) included manufacturing plants in the list of establishments enumerated in its industrial sidetrack law (R. S. '98 §1802) and substituted location within one half mile of any railroad or sidetrack for location within the yard limits of a station as a condition of the applicability of the law. California ('05 ch. 548) gave local legislative authorities the power to grant the right of constructing and operating spur tracks to property owners and proprietors of industrial establishments. Such grants must be revocable.

Live stock. An unusual amount of legislation relates to the conditions under which live stock is to be transported. California ('05 ch.512) prescribed 36 hours as the maximum period of consecutive transportation of live stock without unloading for food, water and rest; the period of rest to be at least 10 consecutive hours. Florida ('05 ch.51) made the maximum period of consecutive transportation 28 hours, and also provided a maximum of 3 hours for detention in the cars at destination. The Florida law includes a requirement for the use of cattle cars, at least 34 feet in length. Kansas ('05 ch.354) and Nebraska ('05 ch.106) compel the furnishing of free transportation in both directions to the shipper or his employee and to a limited number of assistants in charge of stock shipments. The Nebraska statute provides for the furnishing of adequate caboose facilities to such persons—a purpose to which a separate statute is devoted in Kansas ('05 ch.346). Two other Nebraska enactments relate to the transportation of live stock. One of these ('05 ch.107) stipulates that the minimum average speed of stock trains on main lines shall be 18 miles an hour, while on branch lines and from initial points to division stations on main lines the minimum is fixed at 12 miles an hour. The other statute ('05 ch.5) limits the time that shall be consumed in switching, unloading and placing of stock in stockyards to one and one half hours, and imposes upon the stockyard owners a penalty of \$2.50 a car for each half hour's delay. Vermont ('04 ch.96) provided that upon the application of three shippers of live stock, any two judges of the Supreme Court shall appoint a commission of three members with power to order the construction of covered yards and the furnishing of running water.

Passenger rates. Montana ('05 ch.87) and Washington ('05 ch.113) fixed the maximum passenger rate at 3 cents a mile, with the exception that in Montana the law does not apply to independ-

ent lines of railway operating wholly within the state. Violation of the Washington statute is punishable by a fine of between \$500 and \$1000 or by imprisonment for from six months to a year, or both, together with an additional penalty of \$200, of which one half is to go to the passenger overcharged and one half to the school fund. In Montana the penalty is a fine of between \$50 and \$500, divided as is the extra penalty in Washington.

Passes. Wisconsin amended its already stringent law against the giving or receipt of passes to or by members or employees of political committees or candidates for or incumbents of public office ('99 ch.357) by the provision ('05 ch.486) that "the term 'free pass' shall include any form of ticket or mileage entitling the holder to travel over any part of the line or lines of any railroad issued to the holder as a gift or in consideration of any service performed or to be performed by such holder except where such ticket or mileage is used by such holder in the performance of his duties as an employee of the railroad issuing the same." The need of this legislation had been urged by Governor LaFollette in his message of January 12, 1905. A recommendation of antipass legislation in the message of Governor Lapham of Texas (January 12, 1905) was followed by action of the Texas Legislature ('05 p.412) submitting to popular vote in November 1906 an amendment to the state Constitution (art. 3 §24) prohibiting the acceptance by public officers of privileges from telegraph or telephone companies or common carriers. Similar recommendations by the governors of Indiana and Minnesota met with no legislative response. South Carolina ('05 ch.445) exempted the State Commissioner of Agriculture, Commerce and Immigration from the operation of its law prohibiting the use of passes by public officials. North Carolina ('05 ch.312) now specifically permits the exchange of newspaper advertising space for transportation.

Mileage books. All passenger mileage tickets or books must be transferable and good till used, by the terms of a Minnesota statute ('05 ch.221). Vermont provides ('04 ch.95) for the sale at all stations of transferable 500 and 1000 mile coupon mileage books.

Ticket scalping. Stringent laws designed to do away with ticket scalping were passed by Oregon ('05 ch.231), Washington ('05 ch.180) and Tennessee ('05 ch.410). The Oregon and Washington laws are practically identical and are only slight variants of a uniform antiscalping law that has been enacted in a number of states. They provide that authorized ticket agents shall display in their places of business certificates of authorization; they make

it a misdemeanor for a person without such certificate to sell tickets, and require that railroads shall redeem tickets unused in whole or in part. Tennessee prohibits the sale of non-transferable tickets by other than authorized agents, specifically permits the sale of transferable tickets by original purchasers to actual users, and provides for the redemption of unused tickets. In this connection may be mentioned a decision of the Supreme Court of Texas, under date of January 23, 1905 (*Texas & P. Ry. Co. v. Mahaffey*, 84 S. W. 646) in regard to the constitutionality of the antiscalping law of that state ('93 ch.73) which is in most of its important essentials like the Oregon and Washington statutes mentioned above. The Court of Criminal Appeals having previously declared that the section of the law declaring the unauthorized sale of a railroad ticket a penal offense was unconstitutional (*Jannin v. State*, 51 S. W. 1126), on account of a proviso not contained in the Washington or Oregon statutes, the Supreme Court held in the case cited that the section compelling the redemption of unused tickets or portions of tickets was likewise unconstitutional by reason of the dependency of the two sections.

Public safety. A large number of statutes may be classed under this rubric. Some of these are aimed against inadequate precautions on the part of railroads and their employees; others are intended to protect the railroad from the destructive acts of other parties. In the first class may be included a considerable number of statutes relating to grade crossings, although some of these relate primarily to the public convenience rather than the public safety. Michigan ('05 ch.128) increased the powers of its Railroad and Street Crossing Board by the imposition of a penalty for the construction of a railroad crossing without the approval of the board. Missouri added ('05 p.106) unincorporated towns and villages to the list of places where the railroads are required to construct street crossings and erect signboards. A former provision to the effect that nongrade street crossings shall be paid for by the municipality is stricken out. California ('05 ch.124) prohibits the construction of main track railroad crossings unless equipped with an interlocking plant. Either railroad may demand the conversion of an existing grade crossing to a nongrade crossing, except where same is physically impossible, dispute as to this point being settled by the superior court of the county. Massachusetts ('05 ch.408) increased the powers of commissions having in charge the matter of nongrade crossings of steam railroads and street railroads. Two Pennsylvania statutes ('05 ch.206, 232) tend to facilitate the sub-

stitution of nongrade for grade crossings. One law provides that the court of quarter sessions may upon petition authorize the vacating of public highways at such crossings; the other empowers railroad companies to change the location and grade of bridges belonging to bridge corporations. Vermont ('04 ch.93) requires that all trees, shrubs and bushes on a railroad right of way shall be cut for a distance of 80 rods in each direction from public grade crossings. The same state ('04 ch.97) requires electric cars to be brought to a full stop and danger signals displayed at a crossing with a steam railroad. Maine ('05 ch.94) requires the locomotive whistle to be blown at all grade crossings. Minnesota ('95 ch.280) provides that upon petition of majority of common or city council the State Railroad and Warehouse Commission may order the maintenance of gates, flagmen or other safety devices at railroad crossings on villages or city streets. The most comprehensive statute of the year with reference to the use of safety appliances was that of Illinois ('05 p.350). It requires train brake system, automatic couplers and grab irons, and, in addition to imposing a penalty of \$100 for each violation, provides that employees injured by locomotives or cars not equipped according to the statute shall not be deemed guilty of contributory negligence. For the better administration of the preceding statute another act ('05 p.349) provides for an inspector of safety appliances, to be appointed by the Railroad and Warehouse Commission, under whose supervision he is to work. Texas ('05 ch.56) requires switch lights on all main line switches, and derailing switches on all sidings connecting with the main line on which cars are left standing. California ('05 ch.573) makes it a misdemeanor for a railroad employee to be intoxicated on duty and a felony if death results from consequent carelessness.

Among the second class of statutes to be classed under this general head may be mentioned a number of laws relating to attempts to derail or wreck trains, placing explosives or obstructions on the track, train robbery, etc. (Cal. '05 ch. 494, 495, 496; 573; Del. '05 ch. 68, 205, 206, 207; Ga. '05 p. 86; N. M. '05 ch.41, 52; Or. '05 ch.41; Mon. '05 ch.24; N. C. '05 ch.335; R. I. '05 ch.1217; S. C. '05 ch.451, 492; Vt. '04 ch.151). Other statutes make misdemeanors of various kinds of trespass on railroad property (Ari. '05 ch.49; Ct. '05 ch.202; Mass. '05 ch.208,210; N. C. '05 ch.32).

Damages. Two important statutes relating to damages were those of North Carolina ('05 ch.330) and Florida ('05 ch.53). The North Carolina law allows 60 days after the filing of the claim for the

payment of damages on intrastate and 90 days on interstate shipments, with interest from the date of filing the claim, and imposes a penalty of \$50 for failure to pay within the time specified. Florida allows 90 days for payment and fixes the penalty at 25% a year. The penalty is not to be recovered unless (North Carolina) the consignee recovers in action the full amount claimed, or unless (Florida) the judgment is greater than the amount offered by the company. Missouri ('05 p.53) now allows the plaintiff to join as defendants all carriers handling a through shipment and to recover directly from the one whose negligence caused the loss.

The Supreme Court of the United States (*Central of Georgia Ry. Co. v. Murphey*, 196 U. S., 194) decided that sections 2317 and 2318 of the Code of Georgia of 1895, imposing upon common carriers the duty of tracing lost or damaged through freight and of informing the shipper where and how the freight was lost or damaged (the alternative being liability of the carrier in question) was, so far as it applied to interstate shipments, in violation of the commerce clause of the federal Constitution.

Incorporation and general powers. The development of electric transportation is necessitating some changes in the general railroad laws of various states. California ('05 ch.423) empowers persons or corporations previously authorized to operate steam railroads to use electricity or compressed air; but provides that in incorporated cities and towns or cities and counties having more than 5000 inhabitants, authority must be obtained from the local legislative authority. Nebraska ('05 ch.40) gave to railroad companies organized for steam transportation the power to transmit over their right of way currents of electricity "for the purpose of operating telegraph and telephone lines and for the purpose of supplying power for the use of said railroad and the use of others." Michigan ('05 ch.156) authorized railroad companies, including street railways, to own and operate steamboats, barges and vessels under the restrictions imposed on other corporations owning and operating the same. A New York statute ('05 ch.727) allows corporations to be formed for the purpose of "building, maintaining and operating a railroad for use by way of extension or branch or cut-off of any railroad then existing, or for shortening or straightening or improving the line or grade of such railroad or any part thereof." The same statute increases the powers of railway corporations by providing that they may make additions and betterments to subsidiary roads, and may exercise the right of eminent domain for that purpose. North Carolina ('05 ch.187) allows six (formerly 25) persons to form a

railroad corporation. Pennsylvania ('05 ch.184) allows railroad corporations to acquire, own, pledge, sell or otherwise dispose of the securities of water companies. Texas ('05 ch.109) gives to terminal railway companies the powers of railroad companies, except that they may not have a track more than 25 miles long. Nevada ('05 ch.93) reduced the number of directors required to be residents of the state from a majority of all to one.

California ('05 ch.425) repealed a section of its railroad law (C. C. §494) authorizing any corporation owning a railroad in that state to sell its property to any foreign or domestic railroad; leaving as the law on this subject a statute ('03 ch.45) which authorizes companies to sell their properties when authorized by the board of directors and three fourths of the stockholders, but prohibits the acquisition of competitive lines. The effect of this prohibition is to a certain extent nullified by a statute ('05 ch.423) which permits railroad corporations doing business in the state to enter into contracts as to lease or use in common of the whole or parts of other roads.

Capitalization and indebtedness. A Utah law (R. S. '98 §443) which allowed directors of a railroad corporation to issue preferred or special stock or income certificates with the assent of the holders of two thirds of the common stock and of two thirds of the security primarily affected by the new issue, has been amended ('05 ch.29) so that a majority vote is sufficient in each case. Arizona ('05 ch.42) permits railroad companies to issue bonds and notes up to an amount equal to the authorized capital stock. Connecticut ('05 ch.149) amended the laws of that state relating to the bond issues of railroad and street railway corporations. Such bonds must be registered in the office of the Comptroller and must not amount to more than one half the sum which has been actually expended on the road, as certified by the president, treasurer and an engineer. Street railway companies organized before 1895 are allowed to have outstanding bonds to the amount of 75% of the sum certified as aforesaid. Kansas ('05 ch.344) makes some atonement for the severity of its rate regulation by a seeming laxity as to financial matters. This statute provides simply that any railway corporation organized under the laws of the state may issue and sell its bonds or other evidences of indebtedness to such an amount as the majority of the board of directors shall deem necessary. While it is hard to justify the taking of so important a matter entirely out of the hands of the stockholders, it is certain that the elastic provision of the Kansas law will fit the exigencies of modern corporation

finance better than the arbitrary restrictions of some of the other states, restrictions which often rest on a mistaken analogy between a railroad bond and a real estate mortgage. The very general adoption of the car trust or equipment trust device for purchasing rolling stock has led to the enactment in many states of substantially uniform laws on that subject. Such laws were enacted during the year in Idaho ('05 p.154) and Utah('05 ch.4). They provide that if the contract takes the form of purchase, with payment in instalments, title shall not vest in the vendee until the final payment is made. They also validate rental contracts with conditional sale. It is provided that such contracts shall not be valid against subsequent judgment creditors or bona fide purchasers unless evidenced by an instrument duly executed and acknowledged, which is to be filed for record in the office of the Secretary of State; moreover, each locomotive or car must have on it the name of the owner, lessor or bailor, followed by the word "owner," "lessor" or "bailor." Colorado ('05 ch.129) amended its law on this point by limiting the period for which title may remain with the vendor to 25 years and providing that the situs of such property for purposes of taxation shall be Colorado.

Construction. Right of way. Expropriation. While laws of this character do not constitute as important a part of the annual budget of legislation as in earlier years, there were, nevertheless, a considerable number of important measures enacted in 1905. Idaho, in two joint resolutions ('05 p.435, 440) provided for the submission of two constitutional amendments to the electors at the next general election. If adopted these amendments will eliminate the present provision of the Idaho Constitution against the loan of public credit to individuals or corporations; will allow a majority (now two thirds) of the electors of a local subdivision to authorize the incurring of indebtedness; permit donations by such local subdivisions to railroads or other works of internal improvement in amount not greater than 10% (by two thirds vote 15%) of the assessed valuation of any county, and permit exemption from taxation of new lines of railroad for a period not exceeding 10 years. Florida ('05 ch.224) encouraged the construction of a railroad from the mainland to Key West by granting a right of way of 200 feet on each side of the line through the land belonging to the state, including submerged land. It is also provided that notwithstanding heavy construction costs the assessment per mile of such a road for purposes of taxation shall not be greater than the average assessment per mile of other roads in Florida. Connecticut, in three

statutes ('05 ch.1, 104, 126), permits railroad companies to exercise the right of eminent domain in order to change the location of canals and water courses; provides that a railroad shall not take land without the consent of the owner except within two years after the approval of the route by the railroad commissioners, and specifies that railroads or street railway corporations shall not acquire title to land by adverse possession. Nebraska ('05 ch.40) made some changes in the prescribed condemnation proceedings and extended the right of eminent domain to interurban railroads using motive power other than steam. Nevada ('05 ch.144) extended to foreign railroad corporations the privileges already granted ('05 ch.146) to local corporations as to right of way on state lands. West Virginia ('05 ch.41) authorized railroad companies to take water not required by the owner and necessary for the use of its engines, and to condemn land for wells, reservoirs, pumping machinery and pipes.

Express companies

Delaware ('05 ch.151) substituted for a previous requirement that express companies should not increase their charges, a provision making it unlawful to charge more in Delaware than for like services in Pennsylvania and Maryland. Florida ('05 ch.50) subjected express companies to the same conditions respecting the payment of claims for damages that have been described above in connection with the Florida law relating to damage claims against railroads ('05 ch.53). Express companies are included in the regulations of the new railroad commission laws of Indiana, Washington and Wisconsin.

Street and electric railways

The rapid development of interurban, suburban and rural electric transportation has necessitated corresponding changes in the statutes relating to electric railways. In fact, the most noticeable tendency of recent legislation on this subject is the extension of regulations designed for steam railroads so as to include electric lines, a tendency which sometimes takes the form of the enactment of new legislation analogous to that already in existence with reference to steam railroads. From the administrative point of view this tendency means the growth of central control of electric transportation, but this growth is not at the expense of municipal functions, for there is no diminution in the powers of local authorities over local franchises; in fact, what recent change there has been in this particular has been in the direction of increasing such local

powers. The fact is simply that for purposes of regulation this new field of electric transportation is being differentiated from the older field of "street railways" and is being placed in a category more analogous to that which steam railroads occupy. While there is no diminution in the number of statutes relating to municipal franchises, there is an increase in the statutes relating to such matters as the right of way and the power of expropriation of electric railway companies. As noted in the earlier pages of this review, many of the laws of 1905 relating primarily to steam railroads include electric railways in their provisions; several laws giving to steam railroads the right to use electric power have also been noted. In addition a number of statutes relating primarily to interurban or rural electric lines may be mentioned. Indiana ('05 ch.41) allows such companies organized under the general railroad laws of the state as have availed themselves of the provisions of an act ('03 ch.150) permitting them to operate as interurban electric railways, to haul freight by steam. This action was necessary on account of a provision of the act of 1903 to the effect that no company should operate as both an electric and a steam railway. Maine ('05 ch. 36) authorized street railroads to extend their lines to other cities and towns on application to the railroad commissioner. Michigan ('05 ch.307) made it the duty of the Commissioner of Railroads to order the construction of farm crossings over the right of way and track of electric railways. Another statute ('05 ch.127) makes his approval necessary for the construction of a crossing of two street railroad companies. North Dakota ('05 ch.153) permits county commissioners, township supervisors, or town and village trustees to grant right of way for electric or other railroads in public grounds, streets or highways. Vermont ('04 ch.94) amended the general street railroad statutes of that state by making it the duty of the State Highway Commissioner, in consultation with the local authorities, to determine the conditions of construction that shall be required of street and interurban railroads in order to avoid damage to highways. Several statutes relate to the power of expropriation. Michigan ('05 ch.133) added to the general law relating to the formation of street railroad companies a provision giving such companies the right of eminent domain, with the reservation of ore and mineral rights. Kansas ('05 ch.357) conferred upon street, suburban and interurban railway companies the same rights of eminent domain as are now provided by the laws of that state for steam railroad corporations, excepting, however, property within the limits of an incorporated city. Nebraska, as noted above, extended the right

of eminent domain to other than steam railroads. A Wisconsin statute ('05 ch.266) amends the law relating to condemnation proceedings by street and electric railway companies by extending the right of expropriation (in addition to a 100-foot right of way) to land necessary for cuttings, embankments and gravel pits, and to the right to run cars over bridges and over approaches thereto on the rails of any other street or electric railway.

Incorporation. Connecticut ('05 ch.219) repealed a clause exempting street railways from the provision ('03 ch.194) that charters of corporations shall be void unless organization is effected within two years. Indiana ('05 ch.149) raised the maximum number of directors of street railroad companies from 7 to 15, and allows the election of directors at other than the regular annual meeting, if advertised. Massachusetts ('05 ch.80) no longer requires a majority of the directors of a street railway company to be inhabitants of the city or town in which the railway is located.

Franchises. California ('05 ch.578) made some changes in the important general franchise law of that state ('01 p. 265; '03 p.90) which provides for the sale of all local franchises to the highest bidder. As the law now stands it includes franchises for the use of public streets for street railroads, telegraph poles and wires (except interstate), pipes for gas for heating and power purposes, poles and wires transmitting electric heat and power, as well as renewals of franchises for piers, chutes and wharves. Bidding is by sealed bids, although bids 10% higher than the next highest bidder may be received after the bids are opened. After the first five years 2% of the gross receipts goes to the county or municipality. Connecticut, which more than most states has kept the control of franchises in the hands of the Legislature, now permits ('05 ch.244) local authorities to pass upon the route and construction of street railways and to regulate the speed of cars on public highways, but no speed greater than 15 miles an hour is to be authorized. Massachusetts ('05 ch.376) empowers local authorities to regulate the number and routes of cars. Michigan ('05 ch.97) permits street railway companies to sell their property and franchises to other street railway companies, competing roads excepted. The same state ('05 ch.101) gives to municipalities the right to authorize elevated or underground structures where the street railway crosses highways, streets or other railways. New Jersey ('05 ch.68) extended its law relating to street railway franchises ('03 ch.257) to include elevated railways. Minnesota ('05 ch.250) authorizes city councils in places of between 10,000 and 20,000 to grant fran-

chises for street railroads and for interurban connections. It is provided that such charters shall not be exclusive nor for a longer period than 25 years. Previous grants conforming to the conditions of the statute are legalized. It is worth noting that most of the existing franchises in Minnesota are for a period of 50 years. The new law does not apply to certain cities which are eliminated by reference to the statutes by which their charters were conferred. Pennsylvania contributes to the year's budget two statutes of a decidedly reactionary character. One contains distinct possibilities for evil; the other tends to strengthen vested interests. The first ('05 ch.231) allows municipalities to contract with street railway corporations that franchises in certain streets shall not be granted to any other corporation for a period of not exceeding 50 years. The purposes for which such a contract may be made are, as stated in the act, legitimate enough—to secure removal of tracks already built, to prevent the laying of tracks already authorized, or to change the route of a street railway. The other act ('05 ch.230) amends the general street railway incorporation law in such a way as to withdraw the power formerly given to municipalities to grant a franchise for the use of any street not in constant daily use for the transportation of passengers by another company. The new law limits the granting of franchises to streets upon which no track is laid or authorized to be laid. Moreover, the law as unamended authorized street railway corporations to use the tracks of other companies, to a limited length, where the same were necessary to complete circuits or connections, the amount of compensation being fixed in case of disagreement by a jury of five persons appointed by the Court of Common Pleas. The amendment provides that the consent of the board of directors of the company whose tracks are to be so used must be obtained. A section which authorized companies to abandon portions of their road, with the consent of the local authorities (the streets thus abandoned being open to the use of other companies, with the consent of the local authorities) is eliminated to make way for a section conferring the right of "temporary abandonment or postponement"—no other company being, privileged to occupy the street thus abandoned. The former absolute requirement of completion of the road as provided by the charter within five years was repealed, the new law allowing completion within any time agreed upon by legislative or municipal consent. An important special act was that of Massachusetts ('05 ch.466) authorizing the Boston Elevated Railway Company to construct subways in the city of Cambridge. It is provided that

the city may purchase the property at any time after 20 years (or at earlier time by agreement) for an amount equal to the original cost of construction and equipment plus the cost of additions and alterations. Interest is to be allowed at 8% on the cost paid for by the stockholders and at 3½% on all sums expended in construction, deducting dividends (without interest on the dividends).

Bridges

The greater part of the legislation on the subject of bridges was of merely local interest. A movement to do away with all toll bridges connecting Vermont and New Hampshire and New Hampshire and Maine is, however, of some historical importance. Each of these states (Vt. '04 ch.157; N. H. '05 ch.119; Me. '05 ch.128) provided for the appointment of bridge commissions of three members to consult with the commissions of the adjoining states with reference to plans for the freeing of all bridges on their respective boundaries and to report on the need of new bridges.

Telegraph and telephone

The growth of the long distance telephone business is reflected in the extension of laws originally framed for telegraph companies to telephone companies. Thus California requires telephone messages to be delivered to a place of address within 2 miles of the main office of the company, although compensation may be charged for distances of over a mile, as well as for tolls or ferriage ('05 ch.469). The same state ('05 ch.385) extends to telephone companies the provisions of the law as to right of way, power to sell property and franchise, and protection against injury to property previously applied to telegraph companies by the Civil and Penal Codes of that state. Georgia ('05 ch.79) subjects telephone companies to the general telegraph company law. Both are empowered to construct their lines on public highways (with the consent of the local authorities) and are given the right of eminent domain. Telephone companies are required to file with the Railroad Commission of Georgia their consent to the jurisdiction of the commission in the matter of intrastate long distance tolls. Pennsylvania ('05 ch.205) now authorizes the construction of telephone, as well as of telegraph lines, along public highways, and permits both to be constructed in subways. Connecticut ('05 ch.276) gave to municipalities the right to free use of the top gain of telegraph and telephone poles. Delaware ('05 ch.209) imposed a penalty of \$10 for each tree injured or destroyed, without consent of owner by a telephone company.

Tennessee ('05 p.1318) appointed a committee of nine members of the Legislature to investigate alleged excessive charges on the part of the Cumberland Telephone and Telegraph Company. Minnesota ('05 ch.276) permits rural telephone companies to organize as cooperative associations. Wisconsin ('05 ch.389) prohibits companies operating telephone exchanges in two or more cities or villages from discriminating in their charges within any city or village. The same statute divides cities and villages of over 3000 into 12 classes, according to population, and prohibits a higher charge in any city or village than for like service in a city of a higher class. One half of the penalty for violation (\$50-\$500) is to be paid to the person prosecuting.

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REVIEW OF LEGISLATION 1905

LEGISLATION BULLETIN 29v

Corporations
Civil Procedure

Charles Earl
Charles Henry Huberich

CORPORATIONS¹

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The very large number of laws relating to corporations enacted during 1905 may be said in a general way to consist of amendments, adaptations, amplifications or restrictions relating to requirements or provisions already existing. For the most part, they are so obviously designed either to fit in as parts of some established legislative plan, or to supply some oversight or omission, that any extended or really adequate discussion of them would be both tedious and fruitless. The specific enactments, moreover, are clearly indicated, and their nature fully disclosed, by the Summary and Index for the year. Anything more, therefore, than an occasional mention of an individual act is rendered unnecessary.

The great number of the acts themselves, the diversity of topics covered and the attention given to detail would seem to prove anew the widespread use of the corporate form of business organization, the strong demand for corporation legislation, and the real need of securing general recognition of fixed principles for determining the proper scope of such legislation. A reference to the Summary and Index alone will show a general tendency to separate legislation passed at the instance of corporations from legislation passed in the interest of the public. Thus, in conferring corporate powers, not only is the prevailing disposition toward the enactment of distinctly liberal provisions, accompanied by few limitations, or by restrictions without adequate means of enforcement, but no thought seems to be taken in this precise connection of guarding against abuses. Hence the rights of the public find little recognition

¹ See also Governors Messages and Index of Legislation, 500.

in the general body of corporation law. When these rights are to be protected a more or less distinct type of legislation is resorted to, which commonly takes the form of the so called antitrust laws and the like. Instead of tacking on a new chapter to the statutory law of corporations, enlarging the catalogue of crimes, and as it were approaching the subject from without, an alternative plan might be tried, namely, that of embodying in the structure of the corporate constitution itself the measures deemed necessary for safeguarding the interests of the public and the state.

The desire for a symmetrical and coherent code of corporation law finds expression, not only in the great variety of enactments already noted (see California, for example) and in the adoption of entirely new general laws, as in New Mexico ('05 ch.79), but, following the example of Massachusetts, Virginia, Alabama and other states, in the recommendation or appointment of commissions to revise or codify existing laws. Thus, the Governor of Pennsylvania urges the appointment of a commission for this purpose; and those who have had occasion to examine the statutes relating to corporations in that state—a congeries made up of the accretions of years—will welcome his suggestion. A commission of this character had already been authorized in Maryland ('02 ch.446), and another is now provided for in New Jersey ('05 ch.30). The latter state is alive to the fact that "this part of the business of the state is being competed for by other states, who have largely copied our laws and who are making an effort to obtain the business that comes to us." The Governor, moreover, sees in the recommendations of the Department of Commerce and Labor "the preliminary steps toward national incorporation, when capital will seek the protection of federal law rather than deal with forty-five different states"; and these influences, he thinks, "threaten the revenue of New Jersey." He further concludes that "the day of gigantic business companies seems to be on the wane," and that "companies with smaller capital are on the increase," for which reason he recommends that changes be made in the laws to meet the need of these smaller organizations; and it is to this end that he would have the commission revise the laws.

State legislation on the subject of foreign corporations is always interesting, since it necessarily trenches upon that domain within which somewhere lies the boundary line separating the legislative jurisdictions of the nation and the state. This field has never been fully occupied by legislation, and corporations have been allowed to enter it and conduct their operations pretty much at will, little

hampered by legal restraint. In 1905 the only important legislation on this subject was contributed by Illinois. In that state an act was passed ('05 p. 124) involving an emphatic assertion of the principle that foreign corporations should have no advantages over, and should be subject to all the obligations and liabilities of, domestic corporations. More than this, besides requiring a foreign corporation to file with the Secretary of State a sworn statement showing in much detail the particulars of its organization, personnel, outstanding stock and business operations, the act confers extensive inquisitorial powers upon the Secretary of State, in whom also it vests a discretionary authority very unusual in such statutes. The effectiveness of the act will depend, of course, upon whether suitable means have been provided for its enforcement. The means chosen were, that corporations failing to comply should be liable to a heavy fine and should be denied the right to maintain a suit in the state courts at law or in equity.

CIVIL PROCEDURE¹

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The legislation of 1905 relating to civil procedure reflects the well marked tendencies of the past few years. The laws relating to legal notices show a tendency to facilitate service of process, those concerning the time within which suit must be brought a tendency to shorten the periods of limitation. There is observable an extension of the exemptions from jury service and an increase in the compensation of jurors. The evils of the professional juror continue to engage the attention of legislators. The most interesting legislation of the year is that of Michigan, directed against some of the abuses of the system of expert witnesses.

Legal notices. Section 850 of the California Code of Civil Procedure was amended ('05 ch.37) so as to permit notice of hearing in justices' courts to be served either by mail or personally. The former method may, however, be employed only when the attorney to be served resides outside of the county. Service by mail must be made at least 10 days preceding the trial or hearing, and must be sent in a sealed envelop addressed to the residence of the person to be served, and postage must be prepaid. Entry on the docket of the date of such mailing is *prima facie* evidence of the fact of service. The North Dakota law relating to appeals from the justice court to the district court has been amended ('05 ch.81) so as to permit service of notice of appeal to be made on the justice rendering the judgment, whenever the party against whom the appeal is taken is not within the state or can not be found, and was not represented by an attorney. Acts relating to the publication of legal notices were passed in California, Minnesota and Oregon. The California law ('05 ch.345) provides that whenever there is no newspaper of general circulation published within the jurisdiction where the notice should be published, publication in the nearest newspaper is sufficient. The act defines newspapers of general circulation and provides that any newspaper may by proper petition and proof be declared a newspaper of general circulation, but such declaration is not necessary in order to constitute any newspaper, either in fact or in law, one of general circulation. The Minnesota law ('05 ch.174) permits

¹See also Governors Messages and Index of Legislation, 695.

weekly legal newspapers to change their day of publication without thereby losing their legal standing. The Oregon law has been amended so as to give to the plaintiff the exclusive right of designating the newspaper in which the legal notices are to be published, in all cases where there is more than one newspaper fulfilling the legal requirements published in the county ('05 ch.157).

Limitation. A California act ('05 ch.258) provides for a period of limitation of one year for actions by a depositor against a bank for the payment of a forged or raised check, and reduces the period of limitation for suits for damages for injury or death caused by the wrongful act of another from two years to one year. Kansas has enacted ('05 ch.324) that instruments recorded in the office of the register of deeds for a period of 10 years shall be deemed valid even though originally defective for want of the signature of the proper officer of a corporation, or of the corporate seal, or of the acknowledgment, or because of defective acknowledgment, recording or certificate of recording. In the same state the law relating to the suspension of the statute of limitation during absence from the state is amended ('05 ch.328) so as not to be applicable to foreign corporations authorized to do business within the state and upon which service may be had. The Missouri law has been amended ('05 p.137) so as to add a proviso to the effect that in tort actions in case of nonsuit, arrest of judgment or reversal, the statute of limitations begins to run afresh. Montana has provided ('05 ch.78) that actions to recover money or other property deposited in any bank shall not be subject to limitation, except when an account stated is questioned, in which case a period of limitation of 5 years is fixed. Actions based upon the payment of a forged or altered check must be brought within 3 years from the date of notification of payment. A Nevada law ('05 ch.12) provides that the payment of either principal or interest of overdue contracts starts the running of the period of limitation afresh. According to a Pennsylvania act ('05 ch.83) the statute of limitation begins to run against a debt falling due to a decedent's estate even though letters testamentary or letters of administration have not been taken out. Texas has enacted ('05 ch.138) that no power of sale conferred by deed of trust and no vendor's lien to secure the purchase money of land shall be valid after 10 years from the maturity of the indebtedness. Extensions of the time of payment in order to prevent the running of the statute of limitation must be duly acknowledged by the parties and filed in the office of the county clerk.

Parties to action. Massachusetts ('05 ch.266) provides that joint tenants or tenants in common may join in any action to recover damages for injury to real or personal property, or that any one or more of them may sue for his or their damages. Kansas ('05 ch.325) and Missouri ('05 p.95) in causes of action accruing out of the state authorize those persons to bring suit who would have been the proper parties plaintiff in the jurisdiction where the right of action arose. The Kansas law, however, adds a proviso to the effect that one or more of the persons entitled to the proceeds of such suit must be residents of Kansas at the time of the commencement of the suit.

Place of action. Jurisdiction. The Colorado Code of Civil Procedure has been amended ('05 ch.82) so as to provide that all civil actions affecting property, franchises or utilities be tried where such property etc., or the greater part thereof, is located. Kansas ('05 ch.329) permits suits against street and electric railroad companies to be brought in any county through or into which such railroad runs.

Summons. Process. A new section has been added to the California Code of Civil Procedure ('05 ch.138) permitting all persons, firms or corporations to record in the office of the county recorder the name and residence of such person or company and the place where service of summons may be made. Colorado has provided ('05 ch.83) for service by publication on domestic corporations where the officers of the court are unable to find the principal officer of the corporation or any officer or stockholder thereof. Laws relating to service of process on unknown heirs or devisees were enacted in Florida ('05 ch.22), Kansas ('05 ch.326) and Oklahoma ('05 ch.28 art.8).

Trial. Pleadings. An act relating to the dismissing of civil actions, passed by the Legislature of North Dakota ('05 ch.6), provides that suits may be dismissed by plaintiff at any time before trial, unless a provisional remedy has been granted or affirmative relief demanded in the answer. A suit growing out of the same cause of action can not be dismissed more than once without written consent of the defendant or an order of the court. Actions may be dismissed by either party with the written consent of the other, or by the court upon the application of either party after notice to the other, or when the plaintiff abandons his suit or fails to establish his claim or fails to appear, or upon application of some of the defendants when there are other persons defendant whom the plaintiff fails to prosecute with

diligence. California ('05 ch.51) has provided for the dismissal of suits where plaintiff fails to prosecute his claim with reasonable diligence, provided no counterclaim has been made or affirmative relief sought by defendant. Another law of the same state ('05 ch.271) provides that the court may, on motion of defendant, in its discretion, dismiss any action for want of prosecution, whenever plaintiff has failed for two years after answer filed to bring such action to trial. All suits may be dismissed unless brought to trial within five years after the defendant has filed his answer, except where the parties to the suit have agreed in writing to extend the time.

A Florida law ('05 ch.27) disqualifies judges from sitting in cases where they are related within the ninth degree of consanguinity or affinity to any party to the suit. Nor can a judge, except a justice of the peace or a county judge when exercising the jurisdiction of a justice of the peace, act when he is either the father or the son of one of the attorneys to the suit.

South Carolina ('05 ch.421) has shortened the time for notice of application for change of venue from 10 days to 4 days and provides that the adverse party may waive such notice. A Connecticut law ('05 ch.236) provides that upon the application of either party issues of fact in equitable causes shall be tried by a jury.

Kansas ('05 ch.327) requires plaintiffs in civil actions who are nonresidents of the county, or whose principal place of business is outside the county in which the action is brought, to state in their petition their residence or place of business and their post-office address, in all cases where such action is required by the court or by any defendant.

Evidence. Witnesses. Attention has already been called to the interesting act of Michigan ('05 ch.175) "to regulate the employment of expert witnesses." The new law provides that no expert witness shall be paid or receive as compensation in any given case for his services as such witness a sum in excess of the ordinary witness fees, except where a larger sum is allowed by the court. It is made a misdemeanor to pay or to receive directly or indirectly any larger sum. Furthermore, unless the court directs otherwise, not more than three expert witnesses shall be allowed to testify on either side as to the same issue, except in homicide cases. In homicide cases where the issues involve expert knowledge or opinion the court shall appoint one or more persons to investigate such issues and testify concerning them at the trial.

Other experts are, however, not precluded. The act is not applicable to witnesses testifying to established facts or deductions of science, but only to opinion witnesses. An Oklahoma law ('05 ch.28 art.7) enacts that where any party desires to object to any question put to a witness the ordinary objections of incompetency, irrelevancy or immateriality shall be deemed to cover all matters ordinarily embraced within such objections, without giving the specific grounds, unless the latter are demanded by the opposing party.

A Washington law ('05 ch.26) provides that the testimony of any witness deceased or out of the state or otherwise incapable of appearing, given in a former proceeding between the same parties and relating to the same subject-matter, may, if reported by a stenographer or reduced to writing and certified by the judge at the former trial, be received in evidence. Laws of California ('05 ch.139) and Vermont ('05 ch.60) have enlarged the competency of husband and wife to testify for or against each other in criminal prosecutions. In the former state such testimony is permitted, provided both spouses consent or where the prosecution is for bigamy or kindred offenses. In Vermont the spouses have full competency, except that neither may testify against the other as to any statement, letter or other communication made by one of the spouses to the other or to an outside person, nor may they be permitted to testify as to any matter which in the opinion of the court would lead to a violation of marital confidence. Several laws increasing the compensation of witnesses were enacted.

Jury. Verdict. The efforts to suppress or mitigate the evil of the professional juror continue. California ('05 ch.73) adds to the disqualifications for jury service the circumstance that the person has served as a grand or petit juror within the preceding year. In Nebraska ('05 ch.182) service as a juror in a justice court within the preceding three months is a disqualification for further similar service. Furthermore the fact that a person solicited to be selected as a juror or served as such within the preceding year, or two years in the more populous communities, is a disqualification for jury service in other courts ('05 ch.176-77). In New York ('05 ch.31) the jury commissioners are prohibited from putting into the jury box the names of persons who served as jurors within the preceding two years. In Indiana ('05 ch.85) jury service within the preceding six months is made a disqualification, and in Colorado ('05 ch.116) service within the preceding year is an excuse.

The exemptions from jury service have been extended to embalmers (Georgia '05 p. 105; Wisconsin '05 ch.81), officers of railroad, telegraph and telephone companies (Colorado '05 ch.117), persons employed in the publication of newspapers (Colorado '05 ch.117; Illinois '05 p.306; New York '05 ch.437), certain county officers, dentists and pharmacists (North Dakota '05 ch.86). The fees of jurors have been increased in Connecticut ('05 ch.55) from \$2.50 to \$3 a day, and in Nebraska ('05 ch.183), for service in justice court cases from 50 cents to \$1.

Bonds. An act of Indiana ('05 ch.20) permits courts and officers, in their discretion, to accept cash or certified checks in lieu of a bond.

Attachment. Garnishment. Title to property. An amendment to the Code of Civil Procedure of California ('05 ch.363) authorizes attachment in actions against a nonresident defendant to recover a sum of money as damages arising from an injury to property within the state in consequence of negligence, fraud or other wrongful act. Colorado ('05 ch.118) permits attachments in suits before justices of the peace when the debt is for farm products, house rent, household furniture, fuel, groceries and provisions, clothing and wearing apparel for the debtor or his family. Delaware ('05 ch.201) provides for the exemption, from distress and execution process, after notice, of leased pianos, piano-playing attachments and organs. A Kansas act ('05 ch.523) requires personal service of process where an attachment or garnishment of wages is sought to be made, and the wages were earned outside of the state and the cause of action arose extratorially. Maine ('05 ch.14) has repealed the provision of the Revised Statutes exempting the receipts of agricultural societies from attachment. A Pennsylvania enactment ('05 ch.54) permits a writ of foreign attachment against a nonresident in all actions *ex contractu* and in all actions *ex delicto* where the tort was committed within the state. An amendment to the Wyoming Revised Statutes permits an attachment where the cause of action arises out of a contract for the direct payment of money, provided the sum involved does not exceed \$200 and the contract is not secured.

Illinois ('05 p.285) and Utah ('05 ch.96) have provided that the salaries of public officers shall be subject to attachment and garnishment. North Dakota ('05 ch.69) has subjected public corporations to garnishment proceedings. In Tennessee ('05 ch.376) 90% of the wages of the head of the family or of a person 18 years of age are exempt, provided that the monthly salary or wages do not exceed \$40. If the wages are in excess of this amount then \$36 is exempt.

A Georgia enactment ('05 p.102) abolishes the rule that denies relief in the nature of *quia timet* or to remove cloud upon title in those cases where the invalidity of the instrument sought to be canceled appears upon the face of such instrument. Kansas ('05 ch.333) and Nebraska ('05 ch.175) have repealed their statutes permitting the party defeated in ejectment proceedings to demand a second trial. For the better enforcement of the rights of lessors a Pennsylvania statute ('05 ch.100) provides for the issuance 10 days after refusal to vacate in obedience to a judgment terminating the tenancy, of an alias writ of possession justifying the use of force against the lessee or tenant.

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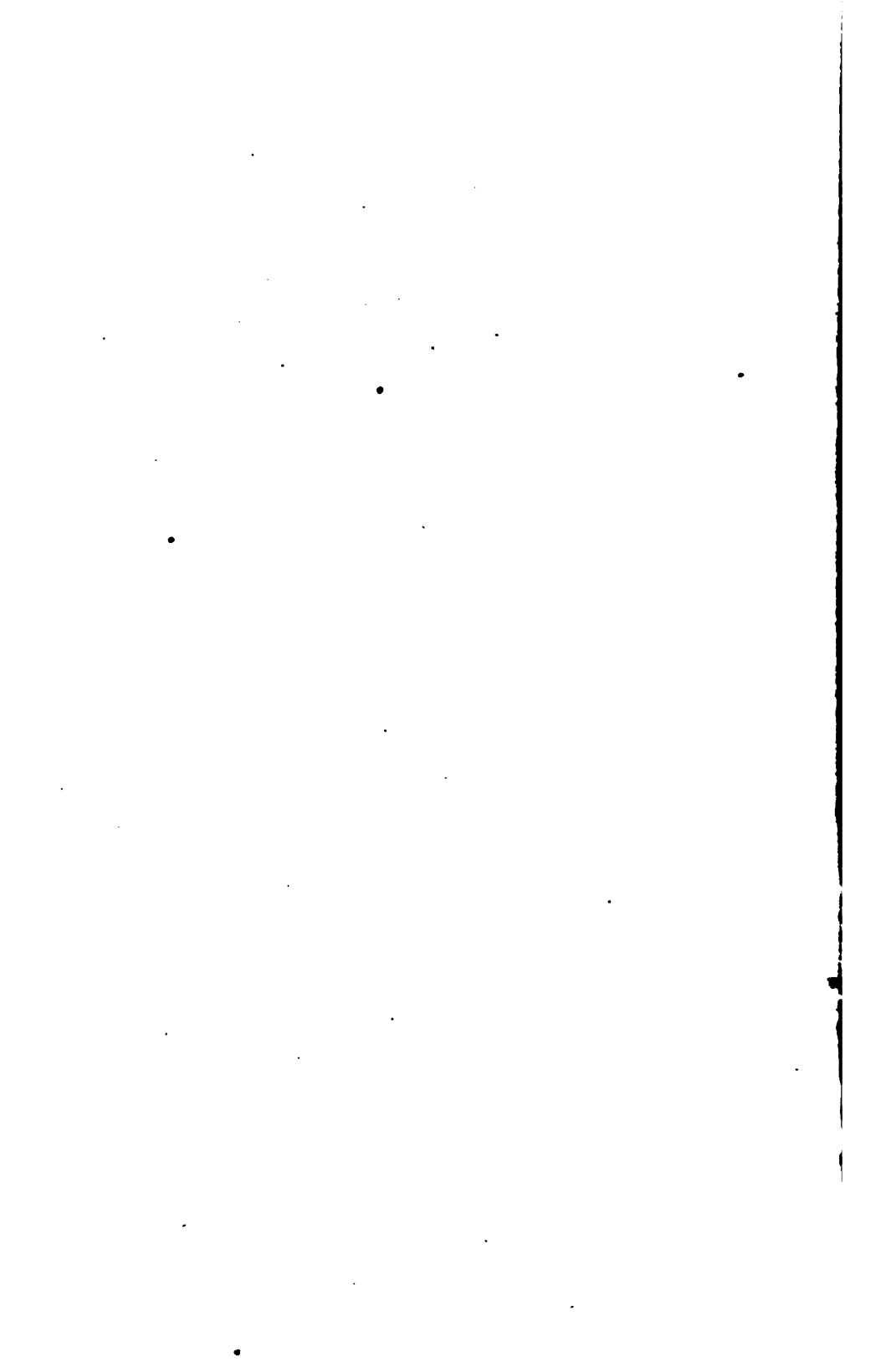
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